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TAKEN SOON AFTER THE TREASON TRIALS.

THE CHRISTIANA RIOT

AND

THE TREASON TRIALS OF 1851

AN HISTORICAL SKETCH

BY

W. U. HENSEL

PREPARED AND PUBLISHED FOR THE COMMEMORATION OF THESE EVENTS, SEPTEMBER 9, 1911

PRESS OF
THE NEW ERA PRINTING COMPANY
LANCASTER, PA.
1911

PREFACE.

The preparation of this sketch and contribution to our local history had been long contemplated by the Editor and Compiler. Born near the locality where the events occurred which are its subject, he has been for more than half a century intimately related with their associations. He has regard for the integrity of motive which alike animated both parties to the conflict. It was a miniature of the great struggle of opposing ideas that culminated in the shock of Civil War, and was only settled by that stern arbiter. He rejoices that what seemed to be an irrepressible conflict between Law and Liberty at last ended in Peace. To help to perpetuate that condition between long-estranged neighbors and kin, this offering is made to the work of the Lancaster County Historical Society.

While it has been written and published for that Society, no responsibility for anything it contains or for its promulgation attaches to any one except the author. Where opinions are expressed—and they have been generally avoided as far as possible in disputed matters — he alone is responsible. Where facts are stated, except upon authority expressly named, he accepts the risk of refutation. In all cases he has tried to ascertain and to tell the exact truth. He worked in no other spirit and for no other purpose; and wherein he has failed his is all the blame.

W. U. H.

"Bleak House,"
August 12, 1911.

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THE CHRISTIANA RIOT.

CHAPTER I.

Introductory.

I propose to write the history of the so-called "Christiana Riot" and "Treason Trials" of 1851, as they occurred — without partiality, prejudice or apology, for or against any of those who participated in them. As is inevitable in all such collisions, there were, on either side of the border troubles of that period, men of high principle and right motive and also rowdies and adventurers, disposed to resort to ruthless violence for purposes of sordid gain. There were slave-masters who sincerely believed in the righteousness of an institution of ancient origin, while even the more sagacious of their class recognized it as at variance with the divine law and the trend of Christian civilization, and inevitably doomed to extinction. There were on this side of the line many who, believing themselves humanitarians, were mere mischievous agitators, lawless in deed and treasonable in design, reckless of those rights of property which are as sacred in regard of the law as the rights of man. There were, too, in the North wicked slave catchers and kidnappers whose brutalities aroused the just resentment of the communities in which they operated, even when they kept within the limits of strict and technical legal rights.

It was of course impossible, as Mr. Lincoln pointed out, for the republic to endure forever half slave and half free — to run a geographical marker through a great and complicated moral, economic and political issue — especially in

view of the far flung border line and the rapidly increasing development of communication and transmission.

If, however, all the great statesmen, economists and churchmen who had struggled with the slavery question since the formation of the Union were unable to solve it, without the awful carnage of a tremendous and long lasting civil war, can it be the cause of special wonder that a handful of Marylanders in lawful search of their escaped property, and a larger group of free and fugitive negroes, with the "embattled farmers" who sympathized with them, should have made the hills of this peaceful Chester Valley echo with gun shots and stained its soil with blood, when Man and Master met in final and fatal contest for what each had been taught was his right?

Numerous attempts have been made to publish reports of this incident which would serve the purposes of permanent history; and, while they have all been helpful, none has been complete. On his return to Maryland after his failure to convict Hanway and the others of treason, Attorney General Robert J. Brent, of Maryland, made an elaborate official report to Governor E. Louis Lowe, who in turn submitted it, with extended comments of his own, to the General Assembly of Maryland, January 7, 1852. From the standpoint of the lawyer and the chief executive of a slave state, both are able deliverances. Aroused by their version of the affair, and especially by their comments on the treason trial, and impatient over the delay in publishing the official report of it, W. Arthur Jackson, junior counsel for the defendant, printed a pamphlet review of it, which shows much ability, has great value and has become very rare. The official phonographic report of the trial, by James J. Robbins, of the Philadelphia bar (King & Baird, 1852), is of course a copious fountain of exact information — as well as an interesting exhibit of the "reportorial" efficiency of that day. From all of these I have felt at liberty to draw largely.

"A True Story of the Christiana Riot," by David R. Forbes, 1898, tinged with sectional prejudice, has much matter that was well worthy of preservation, and the new facts it contains, if verified, I have freely used. All of the general political histories of the period refer to the Christiana tragedy as having significance in the intense agitation of the issue raised by the Fugitive Slave Law of 1850. Fred. Douglass' stories of his life and time; William Still's "Underground Railroad," and Dr. R. C. Smedley's "History of the Underground Railroad" have also been subjects of my levy for aid. To them, however, have been added the personal reminiscences of Dr. J. W. Houston, Thomas Whitson, Esq., Ambrose Pownall, Charles Dingee, Gilbert Bushong, Peter Woods, William P. Brinton, Cyrus Brinton and many other residents of the neighborhood in which the riot occurred and from which the prisoners in the trials for life were taken. Access has been had to the diaries and family records of the Pownall, Hanway, Lewis and Gorsuch families; and many other original sources of information, including the local and metropolitan newspapers of that day, whose enterprise and impartiality were somewhat variable. Some of them published full reports of the trial.

For the first time, however, I think, the subject has been studied with some care and consideration for the facts as disclosed and from the point of view occupied at the home of the Gorsuches. The family of Dr. F. G. Mitchell, whose wife is a daughter of Dickinson Gorsuch, and who now owns the property then of her grandfather, Edward Gorsuch, from which the slaves fled, have been especially gracious and helpful, withal fair and generous in their attitude toward an event which brought brutal death to one ancestor and long suffering to another.

J. Wesley Knight, long resident of the neighborhood of Monkton and Glencoe, Maryland, and who was under the roof of the Gorsuch homestead when the slaves escaped, has

given me much accurate information as to their previous condition of servitude.

If their contribution to the history of the encounter and the events preceding it presents the relation of the Southerners to it in a far more favorable light than has hitherto attended its narration, no fair-minded student of history can object to the whole truth, even at this late day. That the Gorsuch runaways were not heroic and scarcely even picturesque characters; and that their owners were humane and Christian people, and not the brutal slave traders and cruel taskmasters who figured in much of the anti-slavery fiction, can no longer be doubted. But if the Lancaster County Historical Society exists for any purpose it is illustrated in its apt motto: "History herself as seen in her own workshop." Every such shop must show some chips and filings; and occasionally the more these abound the better will be the craftsman's product. I cannot hope — and I certainly do not desire — this should be the "last word" about the "Christiana Riot"; but the occasion of its Sixtieth Anniversary and the Commemoration seemed to call for a historical review up to date; and the story of its few survivors had to be caught before it was lost.

It may be confidently predicted that when our long-looked-for local Stronghand in imaginative literature shall seek for a theme near at home, he will find it in the dramatic story of the "Christiana Riot"; or when some gifted Lancaster County Son of Song shall arise and strike the trembling harp strings, the scene of his epic will follow the winding Octoraro and lie along the track of the Fugitive Slave.

CHAPTER II.

The Law of the Land.

The Early Compromises of the Constitution — Pennsylvania's Move Toward Abolition — The Act of 1826 — The Prigg Case — Border Troubles — The Fugitive Slave Law of 1850 — Wrongs of Escaped Slaves and Rights of Their Owners.

It is entirely unnecessary for the purposes of this particular story to enlarge upon, or to review at length, the long debate, the innumerable compromises, the many makeshifts and the unending controversies which attended the discussion of the slavery question from the agitation and adoption of the Federal Constitution to the enactment of the Fugitive Slave Law of 1850 — and which then left it utterly unsettled. It is, however, important that a few plain landmarks of the law be kept in sight to guide one who would fitly study the general history of the times and fairly estimate the significance of the local events to be narrated.

The Union of the States was only effected by the adoption of Art. IV; the general purpose of which was to require each State to give full faith and credit to the public acts and records of other States. The exact language of its section 3 was:

"No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due."

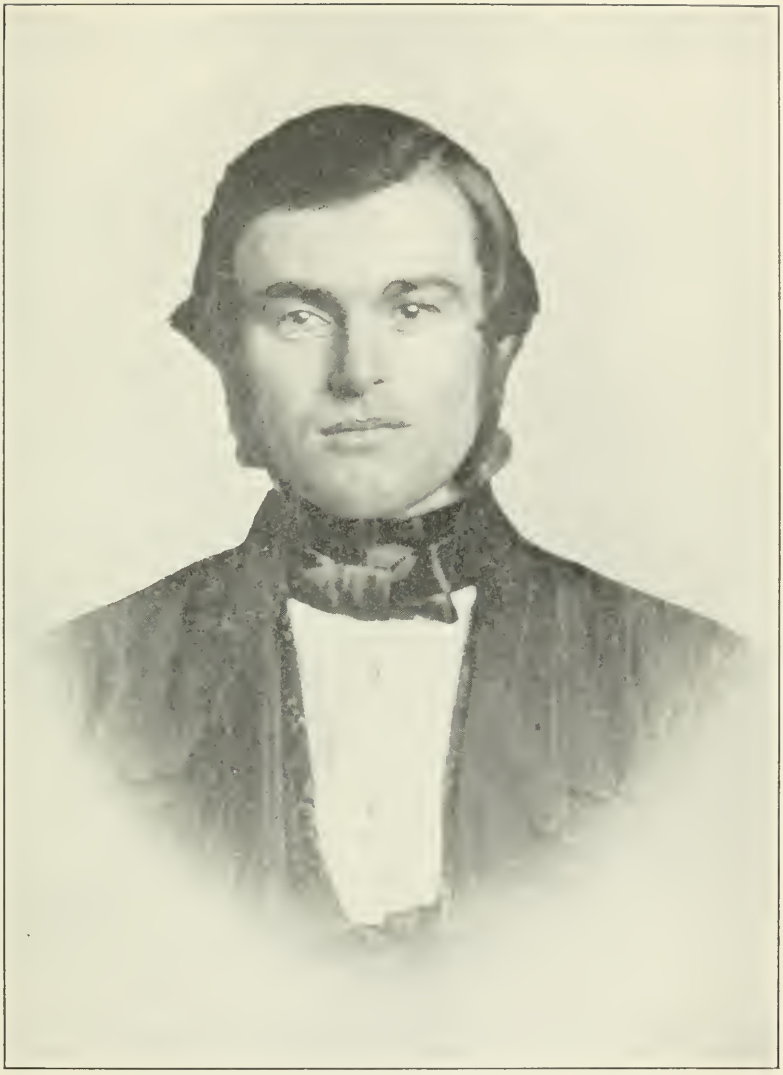
No union could have been effected without this agreement. Whether that federation was a contract from which any party to it could retire, for a violation of it by other parties thereto, need not be discussed here. The affirmative of that

proposition was not the creed of any particular party or section. It was originally maintained by New England Federalists; it was later defended by Southern Democrats; it was at last decided adversely in battle and by the sword. While there is now general acquiescence in the result, the final decision was not the prevailing doctrine of the people of the United States in 1851.

Under the Constitution the Right to Reclaim the fugitive slave was no more unmistakable than the Duty to Return him. The Law of the Land gave to each State the right to regulate its own domestic institutions; and that right was expressly recognized and guaranteed even by the Republican party and by Abraham Lincoln long after the outbreak of the Civil War. The slavery questions upon which political parties differed up to 1851 were not disputes as to the rights of slave owners and slaves in Slave States; nor as to the rights of slave owners against their escaped slaves in Free States, but as to the extension of slavery and the status of the institution in the National territories.

The prevailing popular misapprehension on this subject may be easily pardoned when it is observed that so eminent an authority as Oswald Garrison Villard, in his recent excellent biography of John Brown, says the Fugitive Slave Law of 1850 "made legal in the North the rendition of negroes who had found their way to Free States." That proposition was recognized by all political parties from 1793 to 1863.

The Fugitive Slave Act of 1793 was passed in strict conformity with the Constitution of the United States; and it impressed upon the executive authorities of the several States the duty of arrest, and upon their magistrates the obligation to hear and commit the fugitives for return. That act was generally recognized as just in its essence and object. As late as 1850 even the Free Soil party assented to the legal principle it involved. In execution, however, its processes were greatly abused; unlawful seizures, unwarranted



DICKINSON GORSUCH.

DANGEROUSLY WOUNDED IN THE RIOT

reclamations and ruthless kidnappings were common occurrences in the lower parts of the Border States along the line of Slavery and Freedom. Pennsylvania, after respectful hearing of the Maryland Commissioners and due consideration for their suggestions, enacted the Act of 1826, which made the State Courts the arbiters of claims to fugitives; forbade justices to exercise these powers; and, in the line of Pennsylvania's movements since 1780 to extinguish slavery and protect free persons, it made the free-born children of escaped slaves citizens of Pennsylvania and put them under its protection.

This legislation accorded with judicial decisions of the highest court in Pennsylvania. In Commonwealth *v.* Halloway, 2 S. & R., 305 (1816), Mary, a negro slave of James Course of Maryland, absconded from her master and came to Philadelphia, where, after she had resided for about two years, her child Eliza was born. It was held that under the Act of March 1, 1780, which Pennsylvania passed "for the gradual abolition of slavery," this child, born as she was, was entitled to freedom; that the provision of the Federal Constitution for the return of a slave from one state "escaping into another," did not apply to the free-born child of a fugitive, and that even under the Constitution of the United States the child Eliza was born free. Justice Gibson filed a concurring opinion, at the conclusion of which he said: "Whether this case is to be considered a hard one or not will depend much upon the temper with which the mind may contemplate the positive and artificial rights of the master over the mother, on the one hand, or on the other the natural rights of her child."

After the Act of 1826 the border troubles, especially between York and Lancaster Counties, Pennsylvania, and Cecil, Harford and Baltimore Counties, Maryland, were much intensified. Mason and Dixon line was the imaginary demarcation between two wholly antagonistic social and po-

litical orders. The same person might be a Maryland slave under Maryland law and a Pennsylvania freeman under Pennsylvania law. Owners and agents, armed with Maryland authority to reclaim property, made theirs by Maryland law, were felonious kidnappers in Pennsylvania. The anomalous condition of affairs and the legal difficulties arising out of it are best illustrated by actual facts. A slave woman escaped from her owner, James S. Mitchell, of Cecil County, Maryland, in 1845. During her absence, as a fugitive from his service, she had given birth in New Jersey to an illegitimate child. Through the instrumentality of agents, residing in Pennsylvania, Mitchell apprehended the woman, who together with the child, had been delivered to him at Elkton, in Cecil County. The woman was taken in Pennsylvania by George F. Alberti and James Frisby. These agents, themselves fearing to incur possible responsibilities, had repeatedly refused to take the child with the mother; until finally overcome by the entreaties of the mother herself, they yielded to their feelings of benevolence, and assumed the risk. They were arrested for kidnapping; evidence to show their motives in including the child in the return was excluded, and they were sentenced to long terms in the penitentiary — for permitting it to accompany the mother, whose own recapture and return by them were admittedly lawful. The state of the record of the case was such that it could not be appealed to the United States Supreme Court. Mitchell himself, who had not even been in Pennsylvania, was indicted here for kidnapping the child and was subject to seven years in the penitentiary. The Governor of Pennsylvania issued, and the Governor of Maryland declined to honor, a requisition for him. There were many other cases of which this was a type.

On the other hand, there were unquestionably well-authenticated cases of slaves returned in violation of their legal claims and of free negroes brutally kidnapped and remorse-

lessly sold to slavery without a fair hearing and adjudication of their rights. The offenders were often protected by legal technicalities, obstructions or difficulties, and by friendly jurisdictions North or South.

A case pregnant with great legal and political consequences finally arose under the conflicting claims of Maryland and Harford County on one side and Pennsylvania and York County on the other. It reached the Supreme Court of the United States and the contest was a momentous battle in the campaign of pro- and anti-slavery agitation. Lawyers will find it fully reported in 16 Peters, U. S., 539 (1842):

Edward Prigg, a citizen of Harford County, Maryland, together with Nathan S. Bemis, Jacob Forward and Stephen Lewis, Jr., were indicted in York County, Pennsylvania, O. and T., for kidnapping an alleged free child of Margaret Morgan, in violation of the Pennsylvania law of 1826, which made it a felony, punishable with from seven to twenty-one years imprisonment at hard labor, to carry off, sell or detain a free negro from Pennsylvania. Prigg was the agent — and the others his assistants — of Margaret Ashmore, owner of Margaret Morgan, who escaped from her and fled to Pennsylvania in 1832. Her children, taken back to Maryland by Prigg, were born in Pennsylvania — one of them more than a year after she escaped. Under Pennsylvania law they were free; under Maryland law and the common law principle that "the brood follows the dam" they were slaves.* To avert the disastrous results that always follow a conflict of laws between neighbors, Pennsylvania and Maryland agreed that the facts should be the subject of a special verdict, so that after Prigg's conviction and sentence his case might be heard and the issue it involved be determined by the highest Federal Court of final jurisdiction and of last resort.

* The rule of the civil law *partus sequitur ventrem,* formerly prevailed in re domestic slavery.—*1 Dall. 167.*

The United States Supreme Court held that the Federal Constitution self-executed its provisions; that the owner of a fugitive slave could retake him wherever found; and that the National government — not the State governments — must support and enforce this right; that the Fugitive Slave Law of 1793 recognized this and left nothing on the subject to State regulation. But the Court doubted whether State magistrates or officials were bound to perform any duty imposed upon them in this respect by a Federal law; and the State statute under which Prigg was indicted was held to be unconstitutional and void.

In the discussion Meredith and Hambley appeared for Prigg, and virtually for Maryland. For the Commonwealth of Pennsylvania appeared Attorney General Ovid F. Johnson (under Governor D. R. Porter); and he frankly stated that the real and substantial parties to the controversy were Maryland and Pennsylvania, whose officials came into that high Court "to terminate disputes and contentions which were arising and had for years arisen along the border line between them on this subject of the escape and delivering up of fugitive slaves. Neither party sought the defeat or the humiliation of the other. It was for the triumph of the law they presented themselves before the Court. They were engaged under an imperative sense of duty in the work of peace; and he hoped he would be pardoned if he added of patriotism also."

Story, of Massachusetts, delivered the Court's opinion. He had been appointed by Madison, served a long time on the bench and was a jurist of high renown; but Taney, C. J., while concurring in the judgment, expressly dissented from the doctrine that the State authorities were "prohibited from interfering for the purpose of protecting the rights of the master and aiding him in the recovery of his property." He thought the contrary to be not only the right, but the duty of the State. The Federal Constitution meant this when

it declared "the fugitive shall be given up." He predicted that if the State officials under the State laws could not arrest the fugitive, "the territory of the State must soon become an open pathway for the fugitives escaping from other States." Justices Baldwin and Thompson concurred with Taney; Wayne with Story, and also Daniel, filing opinions. McLean held that Congress might prescribe the duty of State officers. All seven Justices expressed separate opinions.

Taney's forecast was right. Maryland and Pennsylvania — especially the southeastern counties of this State — soon became an open pathway for the fugitive slaves. Their track was lighted from many a window in the households of the Chester Valley; and two main lines of the Underground Railroad ran through Lancaster County, close to where the two lines of the great steam railway which traverses it from east to west are now located.

Acquiescing in this decision Pennsylvania, in 1847, repealed the provisions of the Act of 1826 repugnant to the Federal Constitution; and remanded the whole subject to Congress. Like legislation in other States left the slaveholders stripped of the remedies they claimed under the Constitution. Hence the Fugitive Slave Law of 1850, with its more drastic processes, manifold deputies marshal, "*posse comitatus*" of the bystanders, penalties for obstruction of processes and many other provisions — which if they had been tolerable under the conditions prevailing long after 1793, had now become odious to the largely increased and rapidly increasing number of persons who were opposed to all forms of slavery, regardless of its constitutional protection or right at law.

For this class Lancaster County's then representative in Congress, Thaddeus Stevens, was the boldest and most aggressive spokesman. When, in 1851, he denounced every form of human slavery he was so far in advance of his party (Whig

then and Republican ten years later) that in 1861 a Republican Congress, Charles Francis Adams, of Massachusetts, the first Free Soil Candidate for Vice President, heading the "Ayes," by an overwhelming vote declared that all attempts of the States to override or obstruct the Fugitive Slave Law were unconstitutional and "dangerous to the peace of the Union"; that all enactments to that end should be repealed and there was no authority outside of a State wherein then existed a right "to interfere with slaves or slavery in such States, in disregard of the rights of their owners or the peace of society."

AN OLD SOUTHERN COOK.

SLAVE AND SERVANT IN THE GORSUCH FAMILY. MORE THAN 100 YEARS OLD.

CHAPTER III.

Conditions Along the Border.

On the Different Sides of Mason and Dixon Line — Conflicts of Ideas and of Citizenship — Lower Lancaster County a Gateway — Terror of the "Gap Gang" — The Underground Railway — Outrages by the Slave Catchers and Kidnappers.

Formal legislation and statutory enactments could not repress the instincts of humanity. Involuntary bondage of men, women and children was not consistent with either the spirit of free institutions or the instincts of a progressive citizenship. As it was impossible to prevent reckless and degenerate men from abusing the processes of the law by kidnapping and other forms of crime against the colored race; and as it was impossible for the most humane and philanthropic elements of slaveholding citizenship to prevent constantly recurring barbarities and horrors resulting logically from the legal recognition of property and traffic in human flesh and blood, so it was impossible to forbid thousands of good men and women throughout the North — in all other respects law-abiding people — to secretly aid and even to publicly promote the escape of slaves fleeing from slavery. Nor could those who thus kept their conscience while they broke the law discriminate between the worthy and the unworthy in slave or master. There was no time in the quick trips between the stations of the Underground Railway to ascertain with precision whether the passenger was fleeing from just or unjust treatment, whether he had the character of a criminal escaping deserved punishment, or of a bondman aspiring to a condition of freedom; nor to judge and determine the individual merits and the legal rights of the owner. Behind lay Slavery — beyond blazed the North Star of Freedom.

Lower Lancaster County was at the gateway of this path. For a comparatively short distance — only about five miles —the Mason and Dixon line forms its Southern boundary. Only two of its townships are in contact with Maryland, Fulton and Little Britain, and the last named barely touched the edge of the Southland of Slavery. In its citizenship Lancaster County represented all the principal elements which enter into our composite commonwealth. The more numerous and important strain of blood, occupying the wider and richer upper domain, was composed very largely of the so-called Pennsylvania German sect and church people, who had little fellowship with the negro race, little interest in or sympathy with its cause and very slight personal contact with its members. In the lower townships the principal elements were the so-called Scotch-Irish Presbyterian and the Friends; between them there was considerable friction, if not antagonism; they had for nearly a century represented different views of society and government. Their variance was very distinct in their respective early attitudes toward "the Indian question."

It has been made the subject of forcible contrast that the prevailing Quaker settlement of Fulton and Western Drumore townships took on the more placid aspect of the Conowingo, whose smooth meadows and flowery banks characterized these localities; while the eastern end of Drumore, Colerain and Little Britain had peculiarly the type illustrated by the more turbulent flow and rugged hillsides of the Octoraro. Both streams find their outlet in the Susquehanna, and at very nearly the same sea level. But in the days of the Fugitive Slave Law and of local defiance of it the North bound bondsman generally made his way to the Chester Valley by Pleasant Grove and Liberty Square, rather than by Kirkwood and Nine Points.

Of the two "schools" the Hicksite branch of Friends was not only the more numerous in the Lower End, but its

members were the more aggressive in their hostility to slavery. The Presbyterian works out his humanitarianism rather more directly through the law than around or under it; and, while in many households of this faith, colored servants and farm hands found trusted and long continued employment, the general attitude of the Scotch-Irish to the slavery question was different from that of the Quaker; socially the blood of the negro was more offensive to the more aggressive race.

There were, of course, far more than enough exceptions to "prove the rule." Rev. Lindley C. Rutter, long the beloved pastor of Chestnut Level Presbyterian Church, was one of the most fearless and outspoken of the local Abolitionists. Likewise "Father" William Easton, of the Octoraro United Presbyterian Church. In the neighborhood of Quarryville, where the German and Scotch Irish elements seemed to meet, intermixture of colored and white blood was not infrequent; and, contrary to the general laws of miscegenation and degeneration, many of the mulatto, quadroon and octoroon people sprung from these racial intermarriages were very respectable, honest and industrious citizens.

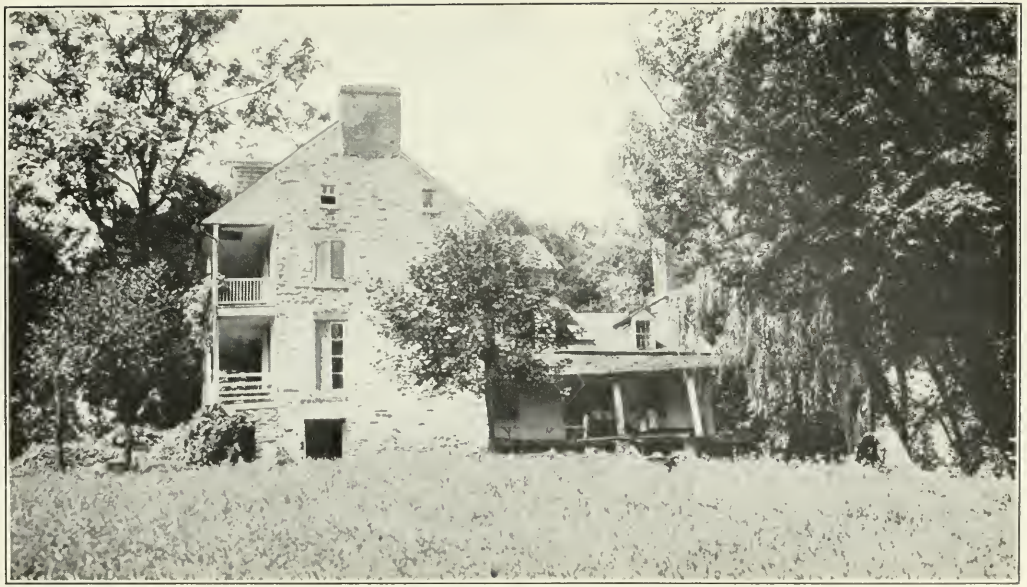
On the north side of the Mine Ridge, that range running westward from Gap across Lancaster County, during the "fifties" there was a considerable amount of outlawry on the part of an organized "gang," whose depredations now took on the form of kidnapping and again the less illegal, but by no means more popular, practice of aiding the recapture and return — regularly or irregularly — of fugitive slaves. If their raids and robberies were the terror of the farmers, millers, butchers and storekeepers of the peaceful Pequea Valley, on the south side of which their strongholds then lay, their incursions into the homes and haunts of colored laborers beyond the Octoraro hills were no less cause for alarm among the free or fugitive colored people than they were of intense resentment and indignation on the part

of the white friends, employers and protectors of the blacks.

While then one trail of the Underground Railroad ran by Columbia and Bird-in-Hand, whereon friendly hands passed the fugitive from Stephen Smith to Daniel Gibbons; and a branch led from Joseph Taylor's, at Ashville to Penningtonville and Christiana, another had a continuous line of stations from the Gilberts and Bushongs around May, in Bart, or later Eden township, out "the valley" to and past the scene of what was to be the deepest tragedy which ever thrilled this little community.

Popular feeling was not wholly unprepared for it. The conflagration was not a sudden outbreak. Combustibles had been accumulating. Local incidents, such as escapes, man hunts, kidnappings and other like events had occurred to an extent sufficient to excite popular interest; and by rumor they had been exaggerated enough to further inflame it; numerous persons supposed or known to be ex-slaves resided and worked in the neighborhood and were the subjects of a qualified popular protection. There had been outrages on one side and some reprisals on the other.

In 1850 it was alleged that an innocent and free colored hired man named Henry Williams had been seized without right or legal process and sold into perpetual slavery South. William Dorsey had been taken from his wife and three children and lodged in the jail at Lancaster. A gang of three, who tried to take a maid servant from Moses Whitson's across the line in Chester County, were forcibly resisted by a lot of colored men under the lead of Ben. Whipper. The girl was rescued and her captors terribly, if not fatally, beaten on the Gap hill. A negro known as "Tom-up-in-the-barn," living near Gap, was said to have been captured one morning on his way to thresh at Caleb Brinton's, and never got back. The barn of Lindley Coates, in Sadsbury township, was burned in 1850 by miscreants angered at his denunciation of slave catchers and kidnappers.



"RETREAT FARM." HOME OF THE GORSUCHES.

It was also related that an industrious negro fence-maker had been violently carried off from his home on John McGowen's place in the valley, near Mars Hill, between Christiana and Quarryville. The narrator of this (Forbes' "True Story") does not tell whether the man was free or a fugitive slave; and to his outraged neighbors this distinction made little difference.

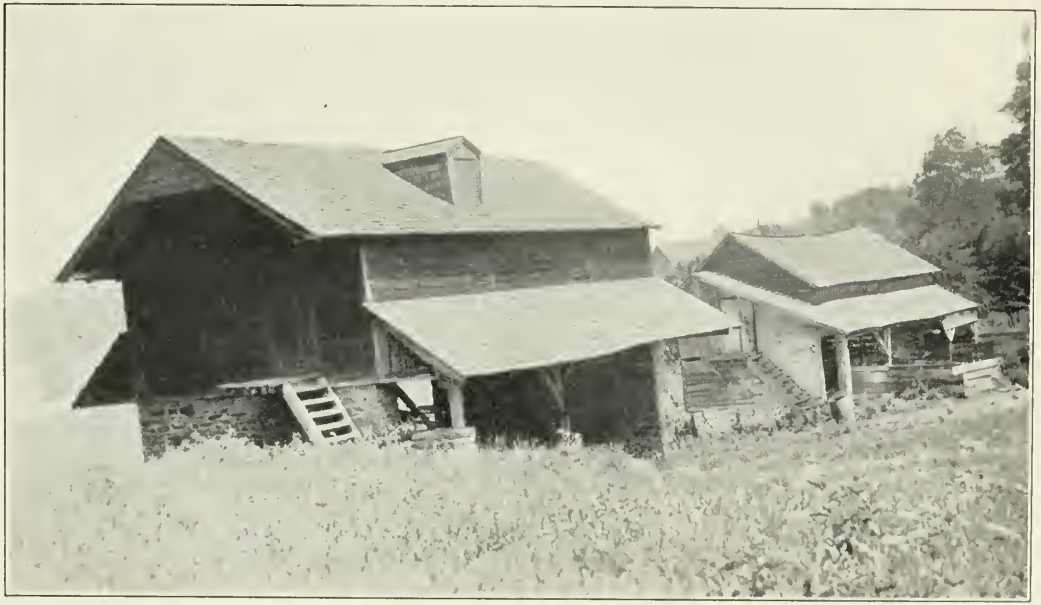
The incident of most note occurring in the immediate neighborhood, the influence of which lasted longest, the feeling about which was most acute, and which figured largely in the "Treason Trials" was what was stigmatized as "the outrage at Chamberlain's." Its scene was on the "Buck hill," in the northwestern part of Sadsbury township, on what is now known as the "Todd place," west of the back road from Gap to Christiana and in what was a sort of middle ground between the operations of the "Gap gang" and the refuge territory of the fugitives. Here in March 1851 a posse, claimed to be led by a rather notorious member of the "Gap gang," entered the Chamberlain house, severely beat a colored man named John Williams employed there, who made desperate resistance, terrified the members of the family, and carried off their bleeding victim in a wagon. It seems he was an escaped slave; but his captors exhibited no official warrant of arrest nor made any claim of authority except to declare they were acting for his master. It was believed he died from their ill treatment of him.

And there were reprisals! William Parker — of whom this narrative will have more to say — admitted years afterwards that he had helped to beat, fatally he believed, the captors of a colored girl; that he had tried to kill Allen Williams on suspicion that he had betrayed Henry; that he recaptured a kidnapped man on the West Chester road, after shooting at his captors and being himself shot in the ankle; and that he and his associates went to the home of a decoy negro, burned it down and watched to shoot him

with smooth-bore rifles "heavily charged" if the flames drove him into the open.

The leading people of this neighborhood were not only anti-slavery in sentiment, but they resented what seemed to be lawless invasion of their peaceful community; they were not afforded means of verifying the authenticity of the claims made for escaped slaves; the local people engaged in the business of aiding in slave hunting and slave nabbing were generally disreputable and sometimes themselves outlaws and criminals; farmers and mechanics were disturbed in their domestic service by the frequency with which attacks were made upon their many and useful colored employees and by the apprehensions to which they were all constantly exposed. Withal a sense of protection was felt in the fact that the most powerful leader of the bar of Lancaster County, and its representative in Congress Thaddeus Stevens, was outspoken in his denunciation of the Fugitive Slave Law. Political discussion and sentiment in this immediate locality, far more than in any other part of Lancaster County, was focusing upon open defiance of and even physical resistance to the enforcement of the Fugitive Slave Law. As early as October 11, 1850, at a public meeting in Georgetown, Bart Township, four miles from the later scene of the riot—William L. Rakestraw presiding and Elwood Cooper Secretary—a committee consisting of Thomas Whitson, Elwood Cooper, Cyrus Manahan, Elwood Griest and Joseph McClelland, reported and published vigorous resolutions denouncing the fugitive slave bill, and declaring that they would "harbor, clothe, feed and aid the escape of fugitive slaves in opposition to the law."

This was the state of popular feeling and these were the social and political conditions prevailing in lower Lancaster County, when the Gorsuch party set out from Maryland to retake their escaped slaves by due and orderly processes of law—from which mission the elder Gorsuch returned a



THE GORSUCH CORN HOUSE.

mangled corpse and his son with a shot-riddled body; in the attempt to execute which the officers of the law were put to flight; out of which grew the arrest of two score men and the indictment of more persons for treason than were ever before or since tried for that crime in the United States; the acrimonious relations of two neighboring commonwealths for years; the open exultation of many persons over the killing and wounding of citizens engaged in a lawful undertaking, and the chagrin of many other orderly and law-abiding people that the law of the land had been violated in bloodshed and its officers successfully resisted.

CHAPTER IV.

The Escape and Pursuit of the Slaves.

The Gorsuch Homestead and Its Proprietor — An Old and Prominent Maryland Family — The Runaways Absent for Nearly Two Years Before They were Pursued — The Warrants and Attempted Execution.

In Baltimore County, Maryland, on the west side of the York and Baltimore turnpike, south of Monkton, and north of Glencoe, stations of the North Central Railroad, stand today the farm buildings of the Gorsuch homestead, where and as they stood in 1849 and for a long time before. Their earlier owner, John Gorsuch, devised this estate to his nephew, Edward, with several hundred acres of land and a number of slaves. It was a provision of his will that certain of them should be free when they reached a fixed age. In 1849 one of them at least attained this condition. Jarret Wallace had during the period of his bondage so served his master and was so appreciated by him that after he became free Mr. Gorsuch retained him in his employ as his "market man" to sell his products in Baltimore. In November, 1849, he was building Wallace a tenant house, and John Wesley Knight (who now lives in York, aged 83) and Joshua Pitt, carpenters, were working for him at the time. He had also millwrights, boarding and sleeping there and then they were building him a saw mill on Piney Creek, which ran through his extensive farm. Four of his slaves were Noah Buley and Joshua Hammond — whose time was nearly up — and two younger, about twenty-one years old, named Nelson Ford and George Hammond who had six or seven years to serve. The man Ford was a rather delicate young fellow, and Mr. Gorsuch spared him heavy work.

He was the teamster of the place, but was always accompanied by help when he needed it. Buley is described as a copper colored mulatto and of treacherous disposition.

Mr. Gorsuch was a man of much prominence. He was a Whig in politics, a class leader in the Methodist church, a dignified and courtly gentleman in his manners, a just and accurate man in his business dealings, a kind hearted master and employer and a man of forceful and determined temperament. He was born April 17, 1795, and was, therefore, in his fifty-fifth year when his slaves escaped and in his fifty-seventh when he was killed. He was living with his second wife, and had five children of his first wife, two daughters and three sons, of whom the eldest, John S., was a Methodist clergyman, then residing in Washington, D. C. There is no portrait extant of the elder Gorsuch, but his son Dickinson resembled him.

In the fall of 1849 Mr. Gorsuch had his wheat stored in the corn house, a building which stood between the house and barn. The main barn fronts and adjoins the turnpike; the mansion house is some distance back of the road, reached by a shady lane and surrounded by lawn, orchards and outbuildings. In accordance with his habit Mr. Gorsuch kept careful account of his wheat in store and of the quantities withdrawn from time to time, as he made his grain all into flour at his own mill and retailed it in Baltimore. Having missed considerable of his stock, he made inquiry of a neighbor miller, Elias Matthews, who reported a lot of wheat sold to him by one Abe Johnson, a ne'er-do-well free negro living two miles north of Gorsuch's, who had no land to raise wheat nor credit to buy it. Gorsuch got out a warrant for his arrest, and it was put into the hands of Constable Bond for execution. He was laggard and "Bill" Foster who was something of a local terror to wrong-doers, was entrusted with the job. But Johnson got over into Pennsylvania, and Governor Johnston subsequently refused to honor a requisition for his extradition.

While the carpenters were building the tenant house and the millwrights were putting up the saw mill, in November, 1849, the negroes were cutting and topping the corn, hauling in the unshucked ears with ox-carts to the barn floor where, by aid of lanterns, the whole household, mechanics and slaves engaged nightly in husking bee merriment. Meantime news of Bill Foster's search for Abe Johnson were rife; likewise suspicious that the colored "boys" had helped him to raid the cornhouse and shared his spoils. One day they exhibited unwonted unrest and clustered into whispering groups; one expressed to the white workmen special anxiety to know "if the Boss is going to husk corn tonight," and another declared his purpose to set a rabbit trap, for it was "going to be a very dark night."

It was. There was no corn husking; and Knight, the carpenter, was aroused early by the call of Dickinson Gorsuch from down stairs that "the boys are all gone." They escaped through a skylight in the back building and made their way down a ladder and up the York turnpike. When the Gorsuches next saw any of them it was in the flash and fire of the Christiana Riot, in the early dawn of September 11, 1851, at Parker's cabin.

During the interval, however, reports reached the Gorsuches from time to time of their whereabouts; messages came from the runaways soliciting food supplies and other aid, which were sent upon assurances of their return. Mr. Gorsuch had such confidence in his benevolence as their master that he always believed if he could meet or communicate directly with them he could get them back. They soon found their way into the vicinity of Christiana where they "worked around" and were known by various aliases; after nearly two years sojourn thereabouts their ownership became known to those who made gain of such information.

The personal narrative of Peter Woods, survivor, leaves little room for doubt as to their identity and their residence

around Christiana. He says: "They lived here among us adjoining me. One lived with Joseph Pownall. His name was John Beard. He was a little brown-skinned fellow — a pleasant chap. The other three were known to us as Thomas Wilson, Alexander Scott and Edward Thompson; Scott was a tall yellow-colored fellow, with straight hair. The colored fellows met at Parker's nearly every Sunday. A good many got their washing done there. He had an apple-butter party about the time of the riot. We knew that these new colored fellows were escaped slaves. They were about the Riot House and in our neighborhood a couple of years before the riot. We colored fellows were all sworn in to keep secret what we knew and when these fellows came there they were sworn in too. Scott told how they four happened to run away. He said he brought them with him in a big wagon to Baltimore, or he said he had come with a big load of grain for his master. He put them on the cars at Baltimore, then sent his master's team back and took the next train too, and that way they come up among the Quakers in this country which they knew was a good point on the underground railway. The people who owned these slaves or some of them sent men up into this country some time before. One man came to me one day while I was cradling wheat and said, 'You are a little man to cradle wheat, I am trying to find three or four big colored men to cut wheat for me. Can you tell me if there are any here that I can get?' I knew what he was after, that he was looking for escaped negroes, and I did not give him much satisfaction." The "John Beard" whom Woods knew was Gorsuch's boy Nelson Ford—so he told Cyrus Brinton.

From Penningtonville (now Atglen, near Christiana), August 29, 1851, there was mailed to "Mr. Edward Gorsuch, Hereford P. O., Balt. Co., M. D.," a letter which was found upon and taken from his body after he was killed; the following is a copy:

LANCASTER, CO. 28 August 1851.

Respected friend, I have the required
Information of four men that is within
Two miles of each other. now the best
Way is for you to come as A hunter
Disguised about two days ahead of your son and let him come
By way of Philadelphia and get the deputy marshal John
Nagle I think is his name. tell him the situation
And he can get force of the right kind it will take
About twelve so that they can divide and take them
All within half an hour. now if you can come on the 2d or 3d
of September come on & I will
Meet you at the gap when you get their
Inquire for Benjamin Clay's tavern let
Your son and the marshal get out
Kinyer's* hotel now if you cannot come
At the time spoken of write very soon
And let me know when you can
I wish you to come as soon as you possibly can
Very respectfully thy friend

WILLIAM M. P.
(In pencil) WM M PADGETT.

* Kinzey's.

About the same time there had come into Gorsuch's locality a man (whose name is not known), purporting to be from lower Lancaster County, who claimed to be able to locate a number of slaves escaped from Baltimore County, among them one of Dr. Pearce, who had escaped the same night as Gorsuch's. Dr. Pearce was a son of the elder Gorsuch's married sister Belinda.

Acting upon these reports and under the authority of the new Fugitive Slave Law of 1850, Edward Gorsuch, his son, Dickinson, his nephew, Dr. Thomas Pearce, Nicholas Hutchings and Nathan Nelson, neighbors and friends, came to Pennsylvania to recover the slaves. Under date of September 9, 1851, the owner procured from Edward D. Ingraham, United States Commissioner at Philadelphia, four warrants directed to Henry H. Kline, Deputy United States Marshal, to apprehend the fugitives. About the attempt and failure

to execute those warrants, or any of them, circle the Christiana Riot and the Treason Trials of 1851.

According to Dickinson Gorsuch's diary his father left for Philadelphia "on the express train," Monday, September 8, 1851, and the others followed next day. The warrants had meantime issued and the Maryland party met at Parkesburg on Wednesday, September 10. By arrangement Constables John Agan and "Sheriff's Officer" Thompson Tully of Philadelphia had come on to Parkesburg; Deputy Marshal Kline went separately by rail to West Chester, took a vehicle to Gallagherville, and started thence for Penningtonville [now Atglen]. His wagon broke down; he and his man Gallagher hired another vehicle and reached Penningtonville about midnight; his delay caused the party to disconnect. Agan and Tully and the Gorsuches stayed at Parkesburg. Meantime a light young colored man, named Samuel Williams, of Seventh Street, below Lombard, Philadelphia, recognized Kline at Penningtonville; he likely scented his real errand, and when Kline represented that he was after two horse thieves, Williams told him they had left. When Kline started for Gap he was followed by some one whom he suspected to be Williams, and Williams no doubt sounded a general alarm as to Kline's errand. He had been dispatched for that purpose from Philadelphia, where a Vigilant Committee was on the lookout to protect fugitives. It was also told by John Criley on information from Henry Murr, blacksmith, that Joseph Scarlet, from a business trip to Philadelphia early in the week, had brought like tidings into the neighborhood.

Kline and his associate slept at Houston's hotel, Gap, on Wednesday night and returned early next morning to Parkesburg, where they found Agan and Tully; the Gorsuch people had gone over to Sadsbury on the old Philadelphia turnpike and Kline rejoined them: Gorsuch went to Parkesburg to detain the Philadelphia officers, and Kline went to

Downingtown and thence to Gallagherville, where the entire searching party met, except Tully and Agan, who returned finally to Philadelphia. About eleven o'clock at night the party went from Gallagherville to Downingtown, took the cars there after midnight, came through to Gap, where they got off the train and went down the railroad track. About 2 A.M. they met Padgett (his name was not mentioned at the trial). Presumably they joined him and left the railroad at the grade crossing of a public road to Smyrna, formerly known as the "Brown House," which stood at the northeast corner of the intersection. Padgett was a farm hand at Murray's, the stone house at the top of the hill, between Gap and Christiana on the Brown farm. The Murrays had lived in Baltimore County, Md. There their local guide led them, likely by or at least toward Smyrna and through cornfields to the Valley Road, where the "long lane" led southward through Levi Pownall's farm to the Noble Road, across the Valley and near to Pownall's tenant house on the southern slope, where William Parker and his brother-in-law Pinckney lived.

CHAPTER V.

The Defense and Defenders.

William Parker and His Home — A Leader of His Race and Class — The Hero of the Fugitive Slaves and the Champion of Their Resistance to Recapture — The Night Before the Fight.

To those who sympathized with resistance to the execution of the warrants, and rejoiced in the results of the battle to the death made by the refugees, the hero of the event was William Parker. His home was "where the battle was fought," and he was then and had been long before a leader of his race and the most resolute defender of the runaway slaves in that section. He was a man of force and had strong though untutored intellectual qualities. After the war for the Union, in which he served, he inspired some articles for the *Atlantic Monthly,* in 1866, from which this story will later be amplified, and upon the occasion of a revisit nearly forty years ago to Christiana he gave some account of himself to old friends thereabouts.

He was born opposite Queen Anne, in Anne Arundel County, Maryland. His mother was Louisa Simms, who died when he was young, and his only parental care was from his grandmother. His mother was one of the seventy field hands of Major William Brogdon, of "Rodown" plantation; and six years after the old master died, when his sons David and William divided his plantation and slaves, William Parker fell to David and to his estate "Nearo." There he had kind treatment, until slave traders came and a slave sale occurred, followed by others with their cruel and pathetic separation of families. Then he realized the bitterness of slavery and the blessings of freedom. He set out for the North by Baltimore, with his brother as a companion.

They reached York and Wrightsville, crossed the river to Columbia in a boat and he settled down to farm work near Lancaster at $3 per month; while his brother moved on to the eastern part of the County. Later William got employment with Dr. Obadiah Dingee, a warm sympathizer, who lived near Georgetown and was the father of the venerable Charles Dingee, of West Grove nursery and rose culture fame. While there Parker had access to anti-slavery periodicals and he heard William Lloyd Garrison and Frederick Douglass speak; he caught inspiration from them to organize his fellows, fugitive and free, in that community to resist recapture and repel assaults upon their race.

It has been already told, upon his own testimony, how they operated. Parker was involved in many other affrays. In a rescue riot on the streets of Lancaster on one occasion he proved himself a man of great strength and valor; he was recognized by whites and blacks as a towering figure. Daniel Gibbons sent Eliza Ann Howard, another refugee, to Dr. Dingee's and she became Parker's wife; her sister followed and married his associate Alex. Pinckney. They all lived together, and at the time the Gorsuch party came for their slaves Parker and Pinckney were running a horse-power threshing machine for Joseph Scarlet and George Whitson. Their families lived together in the tenant house, just to the east of the "long lane" on the Levi Pownall farm, later owned by Marion Griest, and now by Mrs. Agnes Lantz. It was a place for frequent foregatherings of the colored people in that day. No trace of the little old stone house is left, but sketches of it were made before the obliteration. The news spread by Sam Williams of Kline's visit reached Parker's house the evening before the officers. Besides Pinckney, Josh Kite, Samuel Thompson and Abraham Johnson were there. Sam Hopkins, who died recently, always related that there was an apple-butter boiling at Parker's that night, and the merrymakers danced around the kettle and fire singing a song the refrain of which was

"Take me back to Canada,
Where de' cullud people's free."

The men named and the Parker and Pinckney sisters were there all night at least. That the negroes were armed not only appears from subsequent events, but it might be inferred from Parker's own account of his habit. He was long reticent as to the details of the final encounter; but there is ample proof that of the Gorsuch slaves Noah Buley was there very early on the day of the affray, and at least two others of the Gorsuch slaves were on the ground soon after. The names taken by fugitives were so uncertain that the "Abraham Johnson" of this occasion may or may not have been the Baltimore County freeman of that name who fled from Gorsuch's warrant in 1849. Some of the Gorsuch party so identified him. It is beyond doubt that the concourse of colored men already gathered at Parker's house when the Kline-Gorsuch squad arrived were assembled by design, upon some call or signal; that their leaders knew the objective point was the arrest then and there of the Baltimore County runaways; and they soon had added force large enough and brave enough to resist, defeat and either kill, wound or drive off the officers and owners.

CHAPTER VI.

The Fight.

The Challenge to Surrender and the Defiance — A Long Parley — The Prompt Response to a Call for Aid — The Firing Begins — Flight of Kline and his Deputies — Gorsuch is Killed and his Son Terribly Wounded.

Padgett, guide and informer, led the Southern and Federal forces to within about a quarter mile of the Parker house, where they stopped at a little stream crossing the long lane, ate some crackers and cheese and "fixed their ammunition." It was then just about daybreak; it was a heavy, foggy morning; and Padgett found it was his time to withdraw. As the party drew near to the short lane which led into the house and little garden-orchard around it they were seen by Nelson Ford and Joshua Hammond, two of the Gorsuch slaves who had evidently been picketed. They retreated to the house; Gorsuch and Kline followed and the Marshal officially announced their errand. Some inmate of the house answered that the men called for were not there; and when Kline, as he testified, went to go up the stairs, followed by the elder Gorsuch, a five-pronged fish "gig" was thrown at him; next came a flying axe. Neither missile hit him; he and Mr. Gorsuch withdrew, and he says a shot was fired at them from the house and he returned the fire. Then Kline made a feint of sending off for a hundred men "to scare the negroes." His bluff had that temporary effect and a parley ensued. During this it was made manifest that a considerable number of armed men were in Parker's house.

Meantime, on their way, the officers had heard a bugle blown; conjectures differed whether it was a signal from the Parker house or a summons for the laborers on the railroad

to go to work. The evidence on this point was not positive, but the besieged soon sounded their horn from the upper story. Parker is quoted as saying that Kline threatened to burn the house, and he defied him to do it; that Mrs. Parker sounded a horn which brought their allies; and the deputies fired at her as she sounded it, without causing her to desist; that Pinckney counselled surrender, but Parker was for fight. Parker's own accounts show no lack of self-assertion nor absence of self-confidence. That may or may not enhance their credibility.

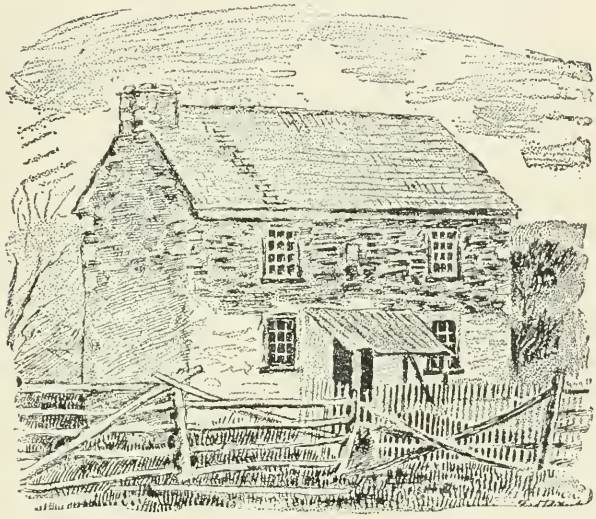
Some early summons called a mixed mob together, for while the brief events already described were occurring, Castner Hanway, who lived a full mile away, rode up on a bald-faced sorrel horse; Elijah Lewis came on foot in his shirt sleeves and a straw hat; Zeke Thompson, the Indian negro, arrived with a scythe in one hand and a revolver in the other; Noah Buley rode in on a handsome gray horse and carrying a gun; Harvey Scott was there, weaponless; and a half score of others armed with guns, scythes and clubs, were assembled — far more than the upstairs of that little cabin could have held, even without the women. Other white men came trooping along, who in Parker's imagination were Gap gangsters enrolled by Kline as "special constables"; but there is no satisfactory proof that these were anybody but residents of the vicinage attracted to the place by the commotion.

The excitement and confusion that subsequently ensued, the quick succession of tragic events, the prompt retreat of the officers and the almost immediate flight from the vicinity of their guiltiest assailants, and the fact that none of them remained or ever returned to tell the whole story, combine to make it difficult even now to aver with certainty what next actually happened. It is, however, reasonably sure that Hanway and Lewis were called upon to interfere and aid in executing the warrants and they declined to do so; but they

neither advised nor inspired any violence; nor does it appear that they arrived on the scene by any pre-arrangement or otherwise than from hearing that an attempt was being made by some one to take negroes from the Parker house.

Parker says Dickinson Gorsuch opened the next stage of the battle by firing at him in resentment of a supposed insult to his father, and that he knocked the pistol out of Young Gorsuch's hand before "fighting commenced in earnest," and the outside negroes then shot both Gorsuches. Deputy Kline, who made himself somewhat ridiculous on the witness stand, remembered most vividly how he himself went "over the fence and out" through the cornfield and did not very clearly account for the fatal renewal of hostilities. Joshua Gorsuch testified that as Edward Gorsuch started to the house in answer to Kline's call to him to come on and get his property, his uncle was murderously assaulted with clubs and he fired a revolver to save his kinsman, but his cap burst and the weapon did not go off; he was severely beaten and ran for his life, the infuriated crowd pursuing him; a thick felt hat saved his life and he rode off from the battlefield behind some one on a horse, supposing Edward and Dickinson Gorsuch were already killed; his retreat ended only at York; but it was months before he recovered from his wounds.

Whoever else ran or stayed, the Gorsuches, father and son, stood their ground and took the enemy's fire. Dickinson warned the elder that they would be overpowered; but when the parent declined to retreat the son stayed by him until he was himself clubbed and shot down, as he went to the rescue of his assaulted father. Eighty shot penetrated Dickinson's arms, thigh and body — and many of them stayed there; so that when he died in 1882 — thirty-one years after he was shot — his body prepared for burial was "pitted like a sponge" with the marks of the "Christiana Riot." When he was supposed to be dying Dickinson Gorsuch was taken into the shade of a big oak tree, about fifty yards from where the small lane then entered the "long lane."



THE OLD RIOT HOUSE. WILLIAM PARKER'S HOME.

THE PLACE WHERE THE BATTLE WAS FOUGHT.

Dr. Pearce was hit with a missile from an upper window; Nathan Nelson knew and recognized Buley, one of the runaways, and while, at the outset, only fifteen or twenty negroes were lined in the lane with guns, scythes, clubs and corn cutters, Nelson saw from seventy-five to a hundred before the smoke of battle had entirely cleared. Sam Hopkins and his historic corn cutter were among the later arrivals.

One of the dramatic features of the engagement was the appearance on the field of old Isaiah Clarkson. He summoned fifteen or twenty infuriated and raging negroes into the cornfield and "called them to order" three times before he could quiet them, and withhold them from violence. Meantime old Clarkson had seen the body of Edward Gorsuch lying alone where he fell dead, clubbed, cut and pierced with gun shots, his son desperately wounded; his kinsmen beaten and driven off; the United States deputies marshal in full retreat — infuriated women, forgetful of all humane instincts, revenging on a humane Christian gentleman's lifeless body the wrongs their race had suffered from masters of altogether different mould, rushed from the house and with corn cutters and scythe blades hacked the bleeding and lifeless body as it lay in the garden walk. At the first hearing Scott, the witness who afterwards swore differently on the trial, testified that he lived with John Kerr and had stayed at Parker's out of doors in the road all that night, having been persuaded to go there by John Morgan and Henry Simms, who were armed; that he saw them both shoot and Henry Simms shot Gorsuch; that John Morgan cut him in the head with a corn cutter after he fell. Dr. Pearce stated under oath that he saw Noah Buhly running past Gorsuch, but he could not say that Buhly did the shooting. At the time Edward Gorsuch was shot he was standing still calling his nephew Joshua and had no weapon in his hand.

It will never be known whose shot or how many killed

Edward Gorsuch. More than one weapon was directed at him and doubtless several were guilty of his blood. It was not long until a consciousness of this fell upon the mob and they scattered as rapidly as they had assembled. If the Federal deputies had dispersed in fear and flight and the local authorities were slow to move, neither were the guilty laggard in flight. By nightfall every man inmate of Parker's house and every runaway from Baltimore County were on their way to Canada. Hay mows and straw stacks weltered above the throbbing presence of trembling fugitives; and all the local agencies of rapid news and transportation which were at command of the anti-slavery people were set in motion to get and keep the accused in advance of the warrants. Somebody tarried long enough on the Parker premises to despoil Gorsuch's body of $300 or $400 in money, which was on his person when he fell and which was missing at the coroner's inquest. According to Tamsy Brown it was taken from his body by a black man, who divided it among the colored women and Abe Johnson. On a blank leaf of the Padgett letter, heretofore printed, were found some memoranda made by Mr. Gorsuch himself of the railroad schedules and names of persons in the neighborhood of the scene of the affray, with whom it was supposed colored men resided, together with the following:

Robert M. Lee
John Agen Henry H. Cline
Depatised
Marshal Kline
Lawyer Lee
and Benit
Commissioner
Ingraham
O. Riley's Telegraph
avoid Halzel
Councelman
Cpt. Shutt
J. R. Henson.

The significance of these entries will be recognized. No weapons were found on the body. This of course does not prove that Mr. Gorsuch was unarmed, as he easily might have lost or have been despoiled of his arms. Fred Douglass boasted that Gorsuch's pistol had been presented to him. His family believe, and from his habits of life and temperament it may be presumed, the elder Gorsuch was unarmed. He depended mainly on the force of the law's warrant and, perhaps too confidently, on the nerve of the Federal deputies marshal.

Dickinson Gorsuch was soon removed to friendly shelter and tender ministrations under the hospitable roof of Levi Pownall's homestead. There he learned to know that the Quaker families of the valley, while they were considerate of the slave, could be no less kind to the master in distress. The daily entries of his diary attest his gratitude and appreciation, and these he substantially manifested throughout his lifetime. His contemporaneous portrait herein published was taken from a daguerreotype sent to the Pownall family. Dr. Asher Pusey Patterson, who attended him, was then practicing at Smyrna. He was of the Lower End families whose names he bore. Dr. John L. Atlee, Sr., of Lancaster, was called into consultation.

During Dickinson Gorsuch's stay in the Pownall household he was visited in his convalescence by many of his Baltimore County friends and relatives. Among them were his brother John S.; his uncle Talbott Gorsuch; his sister Mary (afterwards Mrs. Morrison); his cousin George and others. It was ten days before he could eat and nearly three weeks before he could sit up. By October 1 he could take a short drive and was entertained next day at Ambrose Pownall's. When he returned home in charge of some of his family on October 4, Dr. Patterson accompanied them as far as Columbia. During his recovery he had no more popular visitor than his friend Alex. Morrison, who subsequently

married his sister. Morrison is described by the older inhabitants as one who "made friends everywhere." He kept up his acquaintance with people about Christiana until his death and visited there as late as 1903. He rejoiced in the establishment of good relations between those who had been on opposite sides of the conflict of 1851. Dickinson Gorsuch was 56 years old when he died, August 2, 1882.

Exactly when and how Parker, Pinckney and the fugitive slaves got away from the neighborhood is difficult to tell with absolute certainty; but a surviving neighbor throws light on their movements immediately after the affray. George Steele, now living in Chester County (who subsequently married Elizabeth, daughter of Levi W. Pownall), was making charcoal iron at the Sadsbury forges in 1851. He lived near by the Parker place and recalls the events with great distinctness. He met some negroes coming from the scene exultant over its results and he warned them of their serious danger. He says Parker first came to Pownall's to arrange for Dickinson Gorsuch's removal there, but another neighbor was already on the way with the wounded man. Both Parker and Pownall remained hidden all day; the news of young Gorsuch's serious condition brought many visitors to the Pownall house; later in the evening Parker and Pinckney themselves called and for the first time seemed to realize their position. Some of the women members of the household warned them; and, while Mrs. Pownall was nursing the wounded man to life, she was sparing of her pantry supplies to fill a "pillow case" with food for the fugitives; and her husband, under whose roof Gorsuch was receiving every kind attention, loaned of his clothing to their disguise — all being carried to them by George Pownall, then a boy, who was directed to find them at a certain apple tree on the farther side of the orchard.

At the "Riot House" the Pownalls found both Pinckney's and Parker's loaded guns; and they prudently burned a lot of

A SOUTHERN VISITOR.

COL. ALEXANDER MORRISON, FRIEND AND KINSMAN OF THE GORSUCHES, WHO KEPT UP FRIENDLY RELATIONS WITH THE POWNALL FAMILY.

letters found there, which would have incriminated some of their neighbors in violation of the Fugitive Slave Law. The Pownalls later received anonymous information that Parker had reached Canada. Gorsuch himself is said to have expressed kindly feeling for Parker, which bears out the theory that Parker tried to stem the riot after it attained a deadly stage.

Even they who were guiltless of their neighbor's blood were not unmindful of the responsibility imposed upon their community by the violent killing of Gorsuch and the escape of his slayers. His dead body was taken to Christiana and lay at Fred Zercher's hotel, where Harrar's store now is and nearly opposite the Commemoration Monument. There a coroner's inquest was held before noon. The main facts of the riot were related by Kline, "Harvey" Scott (who later recanted), and others. John Bodley and Jake Woods testified that Elijah Lewis passed them in the early morning, when they were working at James Cooper's, and that Lewis said "William Parker's house was surrounded by kidnappers and it was no time to take out potatoes."

The coroner's jury, summoned by Joseph D. Pownall, Esq., consisted of George Whitson, John Rowland, E. Osborne Dare, Hiram Kinnard, Samuel Miller, Lewis Cooper, George Firth, William Knott, John Hillis, William H. Millhouse, Joseph Richwine and Miller Knott. Their finding was:

"That on the morning of the 11th inst., the neighborhood was thrown into an excitement by the above deceased, and some five or six persons in company with him, making an attack upon a family of colored persons, living in said Township, near the Brick Mill, about 4 o'clock in the morning, for the purpose of arresting some fugitive slaves as they alleged, many of the colored people of the neighborhood collected, and there was considerable firing of guns and other fire-arms by both parties, upon the arrival of some of the

neighbors at the place, after the riot had subsided, found the above deceased, lying upon his back or right side dead. Upon a post mortem examination upon the body of the said deceased, made by Drs. Patterson and Martin, in our presence, we believe he came to his death by gun shot wounds that he received in the above mentioned riot, caused by some person or persons to us unknown."

Dr. John Martin and Dr. A. P. Patterson reported officially that Gorsuch came to his death by a gunshot wound made by slug or heavy shot, occupying the upper part of the right breast, and that there was an incision found near the frontal bone, produced by a light sharp instrument, and a fracture of the left humerus by some blunt weapon.

It must be conceded, even at this distance in time, the jury's thermometer of popular indignation at the crime scarcely registered above the mark of "cold neutrality."

Scharf's history of Baltimore County states that on September 13th and 15th meetings of citizens of Baltimore County were held to take action in the premises. Wm. H. Freeman, John Wethered, Samuel Worthington, Wm. Matthews, Wm. Taggart, John B. Pearce, Samuel H. Taggart, Wm. Fell Johnson, Wm. H. Hoffman, Edward S. Myers, John Merryman, and Henry Carroll were appointed a committee to collect all the facts in the case and transmit them to Governor Lowe, in order that he might lay them before the President of the United States. Another committee, consisting of John B. Holmes, Levi K. Bowen, Dr. Nicholas Hutchins, J. M. McComas, and E. Parsons, was appointed to confer with the gentlemen who had accompanied Mr. Gorsuch into Pennsylvania. A meeting at Slader's tavern, on September 15th, passed resolutions calling upon the people of each district of the county to elect delegates to meet at Cockeysville on October 4th for the purpose of forming a county association, and recommending the formation of district associations "for the protection of the people in their

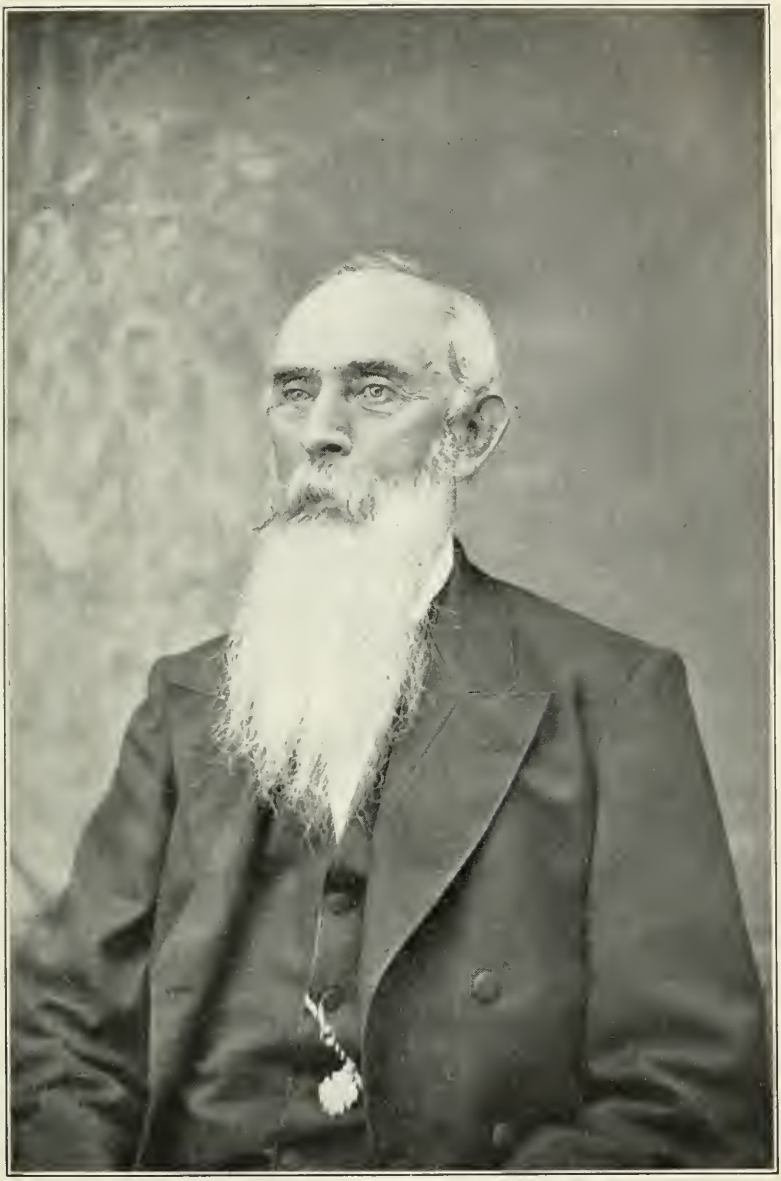
slave and other property." An indignation meeting of six thousand persons was held at Monument Square, Baltimore City, on September 15th, at which Hon. John H. T. Jerome presided, and addresses were made by Z. Collins Lee, Coleman Yellott, Francis Gallagher, Samuel H. Taggart, and Col. George W. Hughes.

CHAPTER VII.

The "Pursuit" and Arrests.

Federal and State Authorities in Conflict — "Rough Riding" the Valley — Numerous and Indiscriminate Arrests — Hearings in Lancaster and Committals to Philadelphia.

Whatever anybody was doing in the way of vindicating whatever law or laws had been violated, the perpetrators of the killing were being allowed to escape. There were no daily newspapers in Lancaster then and the Philadelphia journals of Friday, September 12th, had very meagre accounts of the affair. But meantime the Federal officials in Philadelphia and the Commonwealth authorities in Lancaster County "got busy." Constable William Proudfoot, of Sadsbury, acted under the direction of 'Squire Pownall and District Attorney John L. Thompson. In Philadelphia John M. Ashmead was United States Attorney, and Anthony E. Roberts was Marshal. When District Attorney Thompson made his second visit to the scene on Saturday following the riot, accompanied by a "strong party of armed men," he found there the United States Marshal, District Attorney and Commissioner "with a strong force of U. S. Marines and a detachment of the Philadelphia police." A controversy arose between the local District Attorney Thompson and the United States Attorney Ashmead as to whether the prisoners should be held for murder in Lancaster County, or for treason against the United States. Commissioner Ingraham sustained the latter charge. The difficulty was adjusted by an agreement that each party should make its own arrests. Some forty-five United States Marines who went to Christiana were in command of Lieutenants Watson and Jones. United States Marshal A. E. Roberts had a civil posse of



CASTNER HANWAY.

TRIED FOR TREASON AND ACQUITTED.

fifty. There were county constables and deputies sheriff on the scene. With these three detachments landed in a little country village and scouring the surrounding farms, of whose inhabitants half the many blacks had fled the State and the other half were in hiding, and the whites mostly suspected of sympathy with the fugitives, a local reign of terror ensued; "the valley" was in a state worse than subjection to martial law. The tendency of a "little brief authority" is toward abuse of it; and the class of persons easily secured for the service then required of temporary officers of the law was not such as to insure delicacy of treatment or tender consideration for the objects against whom their summary processes were directed. Whites and blacks, bond and free, were rather roughly handled; few households in the region searched were safe from rude intrusion; many suffered terrifying scenes and sounds.

Peter Woods, sole surviving sufferer and prisoner of the occasion, was working for Joseph Scarlet when he and his employer were arrested. He tells his story thus to the author of this history:

"The day the fight happened I was up very early. We were to have 'a kissing party' that night for Henry Roberts; and as I wanted to get off early I asked my boss, Joe Scarlet, if he would plough if I got up ahead and spread the manure. I started at it at two o'clock. The morning was foggy and dull. About daylight Elijah Lewis's son came running to me while I was getting my work done, and said the kidnappers were here. They came to Ellis Irvin's farm, and then to Milt Cooper's which is known as the Leaman farm. The morning of the riot I got there about seven or eight o'clock. I met some of them coming out of the lane, and others were on a run from the house. I met Hanway on a bald-faced sorrel horse coming down the long lane, and his party with him. The other party, the marshal and his people, took to the sprouts, licking out for all they could, and then took the

Noble road. There were about sixty of our fellows chasing them. The strange party got away. I got hurt by being kicked by a blind colt on the hip. The shooting was all over. Gorsuch had been killed before I got there. The Gorsuch party was riding away as fast as they could. I guess I am the last man living of our party.

"When Scarlet was arrested they were rough in arresting him. They took him by the throat, and pointed bayonets at him all around him. I said to myself if you arrest a white man like that, I wonder what you will do to a black boy? The arrests were made a day or two after the riot. I was plowing or working the ground, and when I saw the officers come to make the arrests, I quickly got unhitched and went towards Bushong's, and soon there was six of us together and we went to Dr. Dingee's graveyard and hid. We heard a racket of horses coming and then we jumped into the graveyard. This was two days after the riot. We hung around Rakestraw's too; and he said we could have something to eat, but we couldn't stay around there. Then they got us. They asked George Boone and James Noble who we are. The man with the mace, the marshal I guess, said 'I got a warrant for Peter Woods.' They pointed me out and then he struck me and then they tried to throw me. They arrested me and took me up a flight of stairs, and then they tied me. Then they started away with me and tried to get me over a fence. They had me tied around my legs and around my breast, and they put me in a buggy and took me to Christiana. From there they took me to Lancaster, and put me first in the old jail and then in the new prison."

The accuracy of Woods' narrative is attested by the historical record that at that very time the new Lancaster County prison was just ready for occupancy. The first prisoners were transferred to it on the day immediately following the riot — September 12, 1851.

Woods' further story of what occurred at Christiana has

all the marks of verity: "There at Christiana was [David] Paul Brown and Thad. Stevens and Mr. Black. They had quarters in 'Old Harry's' store. We did not know who they were counsel for, and we thought they were threatening us, and trying to make us give away ourselves. Thad. Stevens or some one said to me: 'Who do you live with?' They had just brought me down from the Harry garret, and Fred Zercher was there. Mr. Brown then asked me again how I got up there into that garret, who put me there? I made up my mind not to talk, and Brown said, 'If you don't tell we will send you to jail.' Then a mutiny broke out there. George Boone and Proudfoot and others got in it. George commenced striking and I got knocked over. Boone was taking my part."

Arrests were numerous and somewhat indiscriminate and the charges varied, some relating to State and others to Federal laws, and many of them involving capital crimes and death penalties. All of them called for appearances and preliminary hearings before J. Franklin Reigart, Esq., an alderman of Lancaster City. He was a cousin of the late Emanuel C. Reigart, Esq., and mingled the pursuits of letters and law. His handsome picture in lithograph is the frontispiece of his somewhat bizarre biography of Robert Fulton, now something of a curio, once the ornament of many centre tables in Lancaster County.

Alderman Reigart was kept busy for some time issuing warrants and having hearings that attracted great attention, numerous and distinguished lawyers and ever increasing popular interest. Among those taken into custody were Elijah Lewis, storekeeper at Cooperville; Joseph Scarlet, farmer and dealer; Castner Hanway, miller at the "Red Mill"; James Jackson, farmer; Samuel Kendig, all white; and a large number of colored men and women, among them, William Brown and William Brown, 2d, Ezekiel Thompson, Daniel Caulsberro, Emanuel Smith, John Dobbins, Lewis

James Christman, Elijah Clark, Benjamin Pendegress, Jonathan Black, Samuel Hanson, Mifflin Flanders, Wilson Jones, Francis Hawkins, Benjamin Thompson, John Halliday, Elizabeth Mosey, John Morgan, boy, Joseph Benn, John Norton, Lewis Smith, George Washington, Harvey Scott, Susan Clark, Tamsy Brown, Eliza Parker, Hannah Pinckney, Robert Johnston, Miller Thompson, Isaiah Clarkson and Jonathan Black. The officers claimed to have captured on the persons or premises of some of them heavily charged guns, dirks and clubs.

The examination of the persons charged before Alderman Reigart for complicity in the affair began in the old Lancaster County Court House, in Centre Square, on Tuesday, September 23, at 11 o'clock A.M. The appearances at this hearing for the prosecution were Attorney General R. T. Brent, of Maryland, John M. Ashmead, United States Attorney, District Attorney John L. Thompson, Colonel William B. Fordney and Attorney General Thomas E. Franklin. For the defense, Thaddeus Stevens, George Ford, O. J. Dickey and George M. Kline appeared.

The testimony of Dr. Pearce, Milton Knott and Deputy Marshal Kline was relied upon to make out a prima facie case. It was at this hearing George Washington Harvey Scott, a colored man (who subsequently changed his testimony in Philadelphia, and swore he was not even at Parker's), testified that he saw Henry Simms shoot Edward Gorsuch, and that John Morgan afterwards cut him on the head with a corn cutter. Lewis Cooper testified that John Long, colored, was on his premises the evening before the occurrence "giving notice." He was with Henry Reynolds. Long was described as a dark mulatto, five and one-half feet high, and of slender make. The District Attorney argued that the offense was treason, and asked that the persons be committed to answer at the Circuit Court of the United States. Mr. Stevens made the opening speech before the Alderman,

claiming that the defendant prisoners, especially Lewis and Hanway, had not been identified as criminals or offenders; he dwelt upon the local kidnappings that had occurred in the night time, and charged William Bear and Perry Marsh with participation in these offenses; he produced many witnesses to the affair and to prove an alibi for some of the colored men, especially John Morgan, and nothing worse than inaction by Hanway and Lewis.

The women were all discharged; and some of the men. The names of those who were remanded to Philadelphia to await trial in the Federal Courts for treason, together with some others subsequently held, and some indicted in their absence and never apprehended, will be found in the report of the trial later in this history. James Jackson, father of William Jackson, now of Christiana was so well known to Marshal Roberts that he was released "on parole," though subsequently indicted for treason. Mrs. Parker and Mrs. Pinckney left the vicinity and made their way to their husbands in Canada.

CHAPTER VIII.

The Political Aftermath.

Partisans Quick to Make Capital out of the Occurrence — The Democrats Aggressive — The "Silver Grays" Apologetic, and the "Woolly Heads" on the Defensive — Effect of the Christiana Incident on the October Elections.

Thaddeus Stevens in September, 1851, was serving his second term as Representative of the Lancaster County district. As an anatgonist of Southern ideas relating to slavery, he "strode down the aisles" of the House with a good deal more erectness of bearing than Ingersoll in his famous nominating speech ascribed to the "Plumed Knight" from Maine; and he struck the shield of his adversaries with a much louder ring than was given out at the impact of Mr. Blaine's lance. To his individual and official view — law or no law, constitution or no constitution — slavery was "a violation of the rights of man as a man" — freedom was the law of nature. Like Mirabeau, "he swallowed all formulas." But he was a lawyer, as well as a politician and moralist, and while he announced his "unchangeable hostility to slavery in every form in every place," he also avowed his "determination to stand by all the compromises of the constitution and carry them into faithful effect" — much as he disliked some of them, they were not "now open for consideration," nor would he disturb them. This again was practically an admission of the abstract legal right of the master to reclaim the fugitive.

Mr. Stevens was first elected to Congress in 1848, when Gen. Zachariah Taylor was elected President, and when he died (July 9, 1850), and Fillmore, Vice President and a Northern Whig, succeeded him, Stevens had been elected to a second term, which lasted until March 4, 1853.

In those "good old days" a Congressman had some influence in the matter of Federal appointments. The United States Marshal, who executed warrants and picked jurors in Eastern Pennsylvania, was Stevens' personal and political friend, Anthony E. Roberts. Mr. Roberts, who was a native of Chester County, was then 48 years of age and long a prominent citizen of New Holland. He had been sheriff of Lancaster County elected in 1839 as an avowed anti-Masonic candidate, favored by Stevens. He was with him an active anti-Mason and was a candidate for Congress in 1843, but was beaten by Jeremiah Brown. President Taylor appointed him Marshal in 1849, and he filled the office until the incoming of Pierce's administration.

The *Intelligencer and Journal,* then edited by George Sanderson, was the regular organ of the Democratic party in Lancaster County. It was a weekly publication, and at that time a vigorous and exciting campaign for the State election in October was in progress. Col. William Bigler of Clearfield County was the Democratic nominee for Governor; General Seth Clover of Clarion County for Canal Commissioner, and for Judges of the Supreme Court the first ticket presented by the Democratic party under the new elective system bore the illustrious names of Jeremiah S. Black, Somerset; James Campbell, Philadelphia; Ellis Lewis, Lancaster; John B. Gibson, Cumberland, and Walter H. Lowrie, Allegheny.

The Whig County organ was the *Lancaster Examiner and Herald,* published and edited by Edward C. Darlington, who was a conspicious leader of what was then known as the "Silver Gray" faction of his party — being opposed by the more aggressive anti-slavery men, of whom Thaddeus Stevens was the leader, and whose followers were derisively styled "Woolly Heads." The candidates of the Whig party on the State ticket were: for Governor, William F. Johnston, Armstrong County (a candidate for re-election); for Canal

Commissioner, John Strohm, of Lancaster County, and for Judges of the Supreme Court, Richard Coulter, Westmoreland; Joshua W. Comly, Montour; George Chambers, Franklin; William M. Meredith, Philadelphia, and William Jessup, Susquehanna.

The fact that the entire Supreme Court membership, then numbering five, was to be elected, greatly increased popular interest in the result. Pennsylvania was an October State. The Darlington faction of the Whig party was in the ascendancy and Darlington himself was on the ticket for Senator. Moses Pownall, of Sadsbury Township, was one of the Whig candidates for the Assembly. The regular Democratic County ticket had not yet been nominated, but the opponents of Mr. Buchanan, who were stigmatized as disorganizers and "Frazer Ponies," had named a County ticket.

The first local publications of the tragic occurrences in the Chester Valley appeared respectively in the *Intelligencer* of September 16 and the *Examiner* of September 17, and their local reports of the affair are illustrative not only of the laggard journalistic enterprise of that day, but of the intense partisanship which characterized newspaper management, colored the reports of news occurrences and generally pervaded all journalistic work. The *Intelligencer's* account of the affair was printed under a Columbia correspondent's "Particulars of the Horrible Negro Riot and Murder," and the editoral additions to this report commented on the disgraceful conduct of the "Abolition Whig Governor, absenting himself from the seat of government" on an electioneering tour, while riots and bloodshed prevailed throughout the Commonwealth, and citizens of an adjoining State were "murdered in our midst." All these outrages, it charged, could be traced to the Executive of the Commonwealth — Governor Johnston was then serving his first regular term — "roaming about in quest of votes, instead of being at his post to enforce the utmost rigor of the law against the white and black murderers."

"AFTER THE WAR."

"MAMMY KELLY" WITH THE YOUNGEST GREAT GRANDCHILD OF EDWARD GORSUCH.

Further down the same column the editor rejoiced that Hanway and Lewis and nine negro accessories had been arrested and were in prison awaiting trial for murder. District Attorney John L. Thompson and Alderman J. Franklin Reigart were warmly praised for "ferreting out and arresting the guilty ones," while the deposition of Deputy Marshal H. H. Kline was presented as a most satisfactory account of the "whole transaction."

The *Examiner* promptly declared it to be a "dreadful tragedy" and "one of the most horrid murders ever perpetrated in this County or State." Manifestly with one eye upon the political consequences to the State and local Whig ticket, and the other toward the Abolition faction of the Whig party, to which Editor Darlington was opposed, his newspaper frankly admitted that an awful responsibility rested somewhere, and the *Examiner* believed it to be "our duty to speak loudly and distinctly to those individuals who evidently have urged the blacks to this horrid measure." It deprecated all attempts "to make political capital out of the Sadsbury treason and murder by connecting Governor Johnston's name with that melancholy affair. Intelligent readers will regard such efforts with feelings of disgust and contempt." But for the white persons under arrest and charged with murder and treason, it had no condonation. "Their passions had been inflamed by Abolition harangues and incendiary speeches franked by members of Congress until they had come to look upon treason to the laws of their country as a moral duty, and upon murder as not a crime." It declared that this was especially perceptible and prevailing in Sadsbury and the eastern end of Bart; it recalled with special disapprobation the public meeting held at Georgetown, when the Griest resolutions were passed.

Much indignation was expressed by his political opponents that Governor Johnston, passing through Christiana on his

way from Harrisburg to Philadelphia, on a campaign tour, the morning of the affair, did not get off his train at Christiana where lay the dead body of the Marylander, slain on Pennsylvania soil; though many other passengers did so and the train stopped almost at the place where the inquest was to be held.

Democratic campaign meetings held throughout the County were quick to turn their sails to catch the currents of popular opinion and at an assemblage in Columbia, on September 13th, N. B. Wolfe, M.D., later a famous citizen of Cincinnati, Ohio, principal speaker, denounced "the horrid murder of Gorsuch" "by a band of desperate negroes excited and influenced by murderous Abolitionists whose reeking hands are still smoking with the warm life's blood of a fellow citizen."

A committee of conspicuous Democrats in Philadelphia, including Hon. John Cadwalader, James Page, John W. Forney, A. L. Roumfort, Charles Ingersoll, Joseph Swift and others, in an "open letter," loudly demanded of the Governor that he act for the vindication of the Commonwealth and called a public indignation meeting of citizens in Independence Square. The Governor responded with a rather tart letter and offered $1,000 reward for the arrest of the murderers.

The *Intelligencer* continued to comment on the tragedy as "the legitimate fruit of the policies pursued by Governor Johnston and Thaddeus Stevens." In criticized Johnston very severely for having passed Christiana without instituting any "measures to bring the murderers to justice" before proceeding on his way; for making political speeches "instead of seeing that the perpetrators of treason against the government and the most bloody murder ever committed in this State were brought to justice." Governor Johnston was at Ephrata and New Holland on the following Saturday, he came to Lancaster on Saturday night, left at midnight

for Philadelphia, and arrived there about five o'clock A. M.

Meantime Rev. J. S. Gorsuch, son of Edward Gorsuch and brother of Dickinson, wrote to the Baltimore *Sun* an account of the tragedy, which was copied into the *Intelligencer* and other Northern papers as an accurate statement.

Subsequently he published an open letter to Governor Johnston, arraigning him for a lack of official promptness which resulted in the slaves and murderers of his father escaping. He recalled that Johnston had refused to honor a requisition from the Governor of Maryland for the free negro, Abe Johnson, who had received the stolen wheat, and he declares that that same Johnson whose return was refused by the Governor, was present at the riot. He proceeded to contrast Johnston's tardiness with "the decision, energy and promptness of the Lancaster County officers," who, he said, "had to collect a posse of men from iron works and diggings on the railroad" to enforce the processes of the law.

The newspapers report that Alderman Reigart was "receiving much commendation in the Southern press for the ability and firmness with which he discharged his duties as the committing magistrate." In the Baltimore *Sun* of October 8, Rev. J. S. Gorsuch had another open letter, this time to Attorney General Franklin. Gorsuch had undertaken to criticise Governor Johnston without in any way condemning his Attorney General. Mr. Franklin had vindicated his chief, by declaring that he had done his full duty, and as his legal adviser the Attorney General accepted all the responsibility for the Governor's conduct.

The general tendency of the agitation undoubtedly was to depress the campaign prospects of the Whigs. Even Philadelphia was extremely conservative and desperately anxious to not lose the trade of the South. Bigler carried the State, receiving 186,499 votes to 178,034 for Johnston. More than that slender majority could be accounted for by the Christiana riot. In Lancaster County the vote on Governor was:

Democrat, 6,226, Whig, 11,064. What might have happened had Mr. Stevens been a candidate for Congress cannot now be calculated. He had been re-elected in 1850, receiving 9,565 votes, to 5,464 for Shaeffer. In 1852 he was not a candidate. The late Hon. Isaac E. Hiester was nominated by the "Silver Gray Whigs," and received 8,840 votes, to 6,456 for Sample, the candidate of the Democratic opposition. In 1854 Stevens was not a candidate, but revenged himself on Hiester by running Anthony E. Roberts, the same who had been U. S. marshal during the Christiana riots. There was a three-cornered fight during that year. Pollock, Whig candidate for Governor, had the support of the Know Nothings, and defeated Bigler by 37,000 majority. Lefevre was the third candidate for Congress in Lancaster County, and divided both the Roberts and Hiester vote, with the result that Roberts received 6,561, Hiester 5,371 and Lefevre 4,266. By this time the new Republican party was organized; the Silver Gray Whigs went out of the fight; Roberts, Whig, and Hiester, Opposition, were again the candidates, and, although Buchanan carried Lancaster County by a plurality of over 2,000 above Fremont and more than 4,000 above Fillmore, Roberts was elected to Congress, receiving 10,001 votes to Hiester's 8,320. In 1858 Stevens again became a candidate for the 36th Congress, and was elected over James M. Hopkins, by the following vote: Stevens, 9,513; Hopkins, 6,341. The latter had been one of the jury in "the treason trial" and had some support from Stevens' Whig opponents. Stevens, however, got some Democratic aid. Thenceforth the power of Darlington and "the Silver Grays" was broken; Republicanism was in the local ascendancy with Stevens as its leader; he never lost his control until his death — his last nomination being conferred upon him by popular vote when his body was encoffined, the ballots having been printed before he died.

If the effect of the agitation elected Bigler, it strengthened the Buchanan wing of the Democratic party, whose choice the Governor-elect was. If it was not able to control the National convention of 1852, it succeeded in defeating Cass, who was Buchanan's chief rival, and thus was helped the nomination of the Lancaster County candidate for Presidency in 1856. Though Bigler was defeated for a second Gubernatorial term, he was elected United States Senator in 1855. The election of four Democratic Supreme Court Judges in Pennsylvania in 1851 was one of the results of the Christiana riot. James Campbell, alone of the Democratic nominees was defeated. He was a Catholic and the Know Nothing opposition to him centred upon Coulter, and elected him; he had been on the bench 1846–7. Campbell became Postmaster General under Pierce.

Meantime the dead body of Edward Gorsuch was taken by rail to Columbia, and via York on the Northern Central Railroad, to Monkton, where a throng of mourning neighbors met it and great local excitement prevailed. There being no convenient hearse and the distance too long for pall-bearers, it was carried by the four-horse team of Eliphalet Parsons to Mr. Gorsuch's home. There, after a brief service by Rev. Vinton, it was committed to a family burying ground, where the body has rested undisturbed for sixty years. This private graveyard on the Gorsuch farm is located on an eminence in the midst of a fine orchard of apple trees, and overlooking the wide expanse of country to the southwest and traversed by Piney Run, a tributary to the Gunpowder. The graveyard is about twenty-five by thirty-five feet, surrounded by a massive stone wall, without any gate or entrance. The former opening to it was walled up by direction of and with a legacy left for that purpose by a son Thomas. There remain three low gravestones, of uniform pattern, the central one of which has the initials "E. G." The occupants of the other two graves are unknown, and

there is nothing to indicate who they were. Rev. John S. Gorsuch, son of Edward and who was very conspicuous in the agitation over his killing, was formerly buried in this graveyard, but his remains have been removed therefrom. He died at 32 of typhoid fever the March after his father, and while attending a M.E. conference. The little graveyard is overgrown with myrtle. Human hands have not desecrated it in any way, but there is evidence that the gnawing teeth of rodent vandals have been at work on the graves.

THE GRAVE OF EDWARD GORSUCH.

CHAPTER IX.

Before the Trial.

Popular Discussion Precedes the Arraignment — Legal Questions Raised by Eminent Lawyers — Judge Kane takes High Ground Against Treason — The Selection of the Jury — A Representative Panel.

Pending the arraignment of the prisoners in the United States Court for treason, the affair was made the subject of extended popular discussion. Fiery Southern journals and orators reflected the views that had been early expressed by Governor Lowe to President Fillmore, for his own State of Maryland, that if slave owners could not without incurring the risk of death pursue their property North and reclaim it, Secession and Disunion were inevitable. Quite as fierce and fiery champions of Abolitionism retorted with equal fervor and contempt for a league with iniquity and a covenant with slavery, and for a "flaunting lie" that flung the banner of freedom over a human race in chains. The great mass of conservative citizens stood for both law and liberty; and heard with sympathetic ears Webster's great and eloquent pleas for "Liberty and Union—one and inseparable."

Joshua R. Giddings, in a speech at Worcester, in the early part of November, before the trial, publicly rejoiced in the killing of Gorsuch and that the fugitives "stood up manfully in defense of their God-given rights and shot down the miscreants, who had come with the desperate purpose of taking them again to the land of slavery."

It is a notable coincidence that just at this time the *National Era,* an Abolition paper in Washington, D. C., edited by Gamaliel Bailey, was beginning to publish as a weekly serial the first and copyrighted edition of "Uncle Tom's Cabin." Neither the authoress nor the general reading

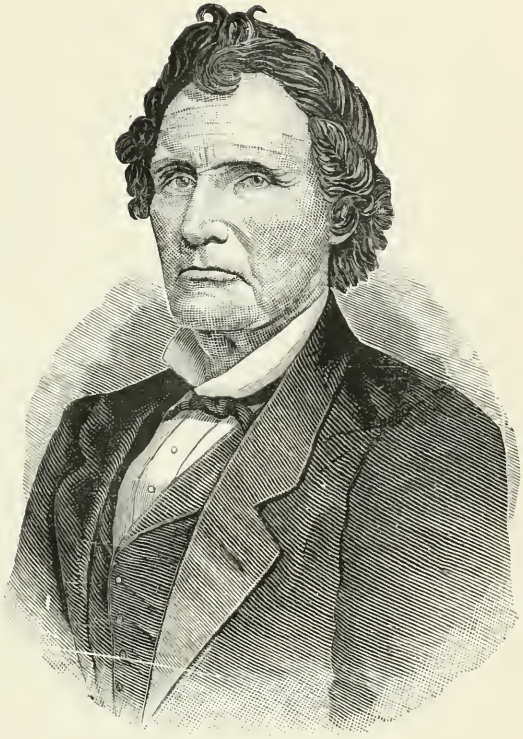
public then appreciated the power and interest of the work, nor until it appeared later in book form.

The rashness of the Gorsuches in incurring danger and inviting death by venturing into an unfriendly country for an unpopular cause, was cited in mitigation of the indictment against a whole community for lawlessness. The blunders of the Deputy Marshal in giving his official errand the aspect of a warlike incursion was urged as a reasonable explanation for what was charged as popular indifference in the locality toward a dark crime.

Withal lawyers and laymen found subject for protracted discussion in the vexed question as to whether it was "treason"; and what degree of opposition or what extent of resistance to law constituted this high crime of such infrequent occurrence.

The cases of the Whiskey Insurrectionists in western Pennsylvania, and Aaron Burr's trial at Richmond, Virginia, had almost faded from popular memory. But there were those in eastern Pennsylvania who recalled some of the echoes of the Fries treason case; and its analogies with the impending trial of nearly forty Lancaster County people were curiously scanned by legal pundits on the Court House benches and by local sages on the country store boxes.

The case of United States *vs.* John Fries arose out of the opposition of the Pennsylvania Germans in Bucks, Northampton and Berks Counties to the collection of a direct Federal tax known as "The House Tax." Assessors had to measure houses to levy the tax. Hostile public meetings were held at which John Fries threatened and encouraged armed resistance to the tax. Armed and with martial music he and his followers paraded the public highways, intimidating tax officials, denouncing Congress and the government as "damned rogues," etc. Fries had two trials, in both of which he was found guilty of treason and sentenced to be hanged. He was subsequently pardoned by President John



THADDEUS STEVENS.

IN THE DAYS OF HIS CONGRESSIONAL LEADERSHIP.

Adams. He was originally tried and convicted before Judges Iredell and Peters, in 1799; and his case is reported in 3 Dallas (Fed. Court Rep.), 515.

As early as November 18, 1850, Hon. John K. Kane, United States District Judge at Philadelphia, had charged the Grand Jury at some length — and not without considerable personal feeling in relation to the State of Pennsylvania statutes — on the subject of the Fugitive Slave Law. Judge Kane had been District Attorney and he was Attorney General of Pennsylvania under Governor Shunk from Jan. 21, 1845, to June 23, 1846. His appointment as Attorney General was offensive to Mr. Buchanan.

Notwithstanding the Supreme Court of the United States in the Prigg case had intimated that legislation of this character was for the Federal Government and not for the State, Judge Kane severely reprehended the Pennsylvania Act of 1847, which repealed the Acts of 1826 and 1827, delegating to State authorities the right to issue warrants for fugitives; he declared the new Fugitive Slave Law of Congress to be little different from the Pennsylvania statute of 1826, and he depicted the results of the Pennsylvania law in these rather lurid terms: "Fanatics of civil discord have, meanwhile, exulted in the fresh powers of harm with which this state of things invested them; and the country has been convulsed in its length and breadth, as if about to be rent asunder, and tossed in fragments, by the outbursting of a volcano."

He went on to say that the new Federal law must be obeyed, and the penalties for violating it were to be enforced without fear, favor or affection. He referred to his district as a community which had suffered in reputation and repose "from crimes of excitement, turbulence and force," and inveighed against disobedience to a statute, obstructing officers of the law and deeds of violent resistance against them.

The language of this charge, and his well-known views on

the legal and political aspects of the question, did not afford a very encouraging outlook for those who were to be tried before him or in his court. These very natural apprehensions were increased, when his charge to the grand jury followed on September 29, 1851. He briefly reviewed the reported facts of the Christiana affair, and though he avowed entire freedom from any impressions of the guilt or innocence of the accused, he pointed to the charges made against them as sufficient to establish the crime of treason if they were duly proved. He also pointed out that as the offence of treason was not triable in his Court, and though the grand jury then empannelled could not take cognizance of the indictments, his learned brother of the Supreme Court, the Hon. Robert C. Grier, who presided in this circuit, would sit on the trial of the cause. Justice Grier was a Pennsylvanian, appointed by President Tyler in 1844, to succeed Henry R. Baldwin, deceased.

The result of the submission to the Grand Inquest for the United States inquiring for the Eastern District of Pennsylvania to the August Term, 1851, was that they found true bills for treason against the following persons, which indictments were, on October 6, 1851, remitted from the District Court to the Circuit Court:

1. Castner Hanway.
2. Joseph Scarlet.
3. Elijah Lewis.
4. James Jackson.
5. George Williams.
6. Jacob Moore.
7. George Reed.
8. Benjamin Johnson.
9. Daniel Caulsberry.
10. Alson Pernsley.
11. William Brown, 2nd.
12. Henry Green.
20. Collister Wilson.
21. John Jackson.
22. William Brown.
23. Isaiah Clarkson.
24. Henry Simms.
25. Charles Hunter.
26. Lewis Gates.
27. Peter Woods.
28. Lewis Clarkson.
29. Nelson Carter.
30. William Parker.
31. John Berry.

13. Elijah Clark.
14. John Holliday.
15. William Williams.
16. Benjamin Pindergast.
17. John Morgan.
18. Ezekiel Thompson.
19. Thomas Butler.
32. William Berry.
33. Samuel Williams.
34. Josh Hammond.
35. Henry Curtis.
36. Washington Williams.
37. William Thomas.
38. Nelson Ford.

The District Attorney then moved for a venire to issue to the marshal, who was commanded to return 108 jurors, of whom 12 were to be summoned and returned from Lancaster County, where the offenses charged were perpetrated.

The selection of jurors for this trial, under all the conditions we have tried to sketch impartially, was a delicate and difficult task for Marshal Roberts — in view of his well-known political opinions and of his personal and partisan affiliations with Thaddeus Stevens, chief counsel for the defense from start to finish. The character and associations of the members of the panel may be gathered to some extent even now from the attitude assumed toward them by counsel on either side. In a subsequent chapter will be briefly epitomized the disposition made of those whose names were called. Keeping it in mind, the author, from a large historical acquaintance with the leading men of that period in the counties of the State from which this panel was chosen, does not hesitate to say that it was high above the average in intelligence and all other requisites for important jury service; that it was eminently representative and an altogether fit and fair enrollment. This opinion is not only now justified, but it is fairly demanded by reason of the criticism Attorney General Brent made in his report to Maryland's Governor upon the disadvantage to which the prosecution was subjected in the personnel of the venire.

During their stay in Moyamensing the prisoners suffered for a time from lack of heat and ventilation until conditions were remedied. Some of them were confined in the Debtors'

Apartments. Witnesses deemed necessary to hold were detained by the Government under pay of $1.25 per day to them. Peter Woods relates that Ezekiel Thompson and Henry Simms engaged so frequently in loud prayer that outsiders were attracted to the prison walls to listen to them from the adjoining sidewalks. By November 15th it transpired that two witnesses, Peter Washington and John Clark, detained in the Debtors' Apartments, had escaped. David Paul Brown said one of them was important for his client Joseph Scarlet, while the United States was insistent that it needed them also. Mr. Brent finds cause for suspicion and complaint in the allegation that they got out without breaking a lock through inside treachery, of which he "cheerfully" acquits Marshal Roberts; but neither throughout nor after the trial does Mr. Brent present himself as an altogether cheerful person.

CHAPTER X.

"The Treason Trials."

Differences of Opinion Among Counsel for the Government — A Brilliant Array of Lawyers — Selecting Twelve Men, "Good and True," from a Large Venire — The Prisoners Arraigned and Pleas Entered.

In the so-called official report of the Castner Hanway trial, which involved the final disposition of all the treason cases, it is fitly stated by the author and editor that "the ability which marked the trial throughout, the patient attention of the judges, the eloquence and learning of the Counsel, and the full examination of every matter of fact and law in any manner involved, gave to the trial a deep and abiding importance, such as will make its perusal interesting to the general reader, and of indispensable use to the Legal Profession." It is not to be expected, however, that a detailed report of these proceedings or a presentation of their technical aspect falls within the scope or prescribed limits of this sketch. Those desirous of perusing them can get access to Mr. Robbins' report in many libraries; lawyers will find the case reported for their special benefit in Vol. II of Wallace's Report of Circuit Court Cases for the Third District, pp. 134–208. The report of Attorney General Brent and the message of Governor Lowe, in the Maryland State Documents, 1852, constitute an interesting history of the facts and valuable discussion of the law; and Mr. Jackson's reply undoubtedly corrects and modifies some of the impressions that the complaints of the Marylanders would tend to create.

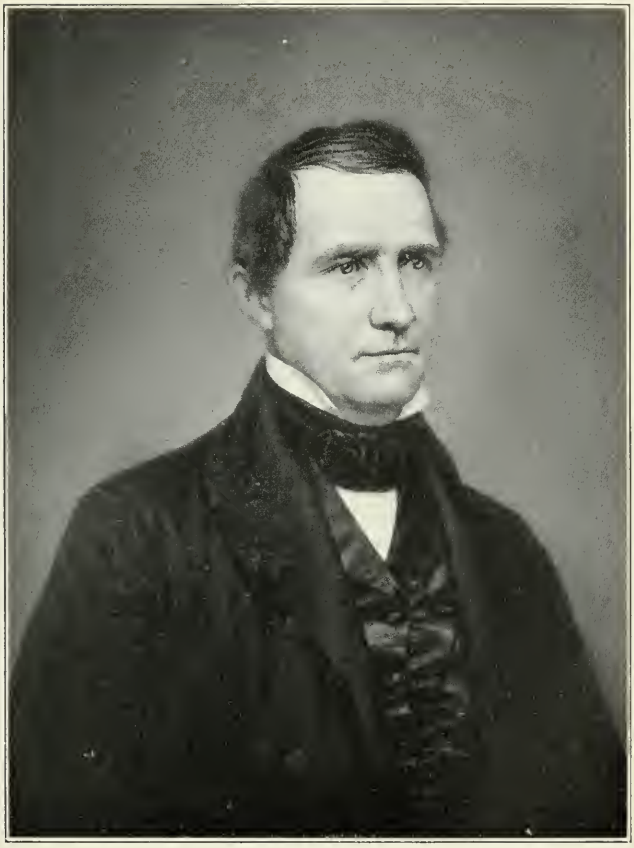
Even outside of these quasi-official documents there remain signs that there was some division of counsel, if not conflict of opinion, among those engaged in the prosecution as to the most expedient course to take and the more effective remedy

to apply to the broken law. Whatever the private opinion of U. S. District Attorney Ashmead may have been, his presentation of the case and his entire part in the trial evinced no lack of preparation or ability and no want of sincerity in the Government's cause. He shrank from no responsibility that his position imposed. He was, moreover, the direct representative of the Law Department of the Fillmore administration. His chief was Attorney General John J. Crittenden and Daniel Webster was the premier of that Cabinet. There was at that time no "Department of Justice" as now organized; there was simply the office of the Attorney General, and an investigation of the archives of the Department fails to disclose anything whatever with respect to the affray or the trials. There is, however, authority for the statement that the final determination to prosecute for treason was made by Webster and Crittenden, who concluded and advised "that even if a conviction were not obtained, the effect of the trial would be salutary in checking Northern opposition to the enforcement of the Fugitive Slave Act."

Some question of professional etiquette arose between counsel who appeared for the State of Maryland and those who represented the United States by direct employment for the Government. Mr. Brent reports that this was "satisfactorily adjusted in a personal interview" with Mr. Ashmead. He further says:

"This gentleman, in the presence of the Hon. James Cooper, tendered to me the position of leading counsel in these trials, which I promptly declined, on the ground that I never had claimed such precedence for myself, as well as on grounds of policy and expediency for the prosecution.

"It was then agreed that the Hon. James Cooper, of Pennsylvania (the distinguished colleague associated with me for the State of Maryland), should occupy the position of leading counsel, which he did with fidelity and signal ability. I will here take occasion to remark that, however unfortunate



JOHN W. ASHMEAD.

U. S. ATTORNEY WHO CONDUCTED THE PROSECUTION.

the preliminary difficulty between Mr. Ashmead and myself, and however prejudicial it may have been to the development of the evidence, by preventing that early interchange of views and information, which was necessary to a thorough preparation of these important cases, yet I received during the trial every social and professional courtesy at the hands of that gentleman, and he was at all times prompt to act upon any suggestion which might be made by either Mr. Cooper or myself."

Whatever may have been the nature of their difficulties or the character of their settlement, there was a good deal of "girding" during the trial from the defense at the relations of the various opposing counsel; and there was some recrimination after the Government's defeat over the responsibility for what its representatives thought was a miscarriage of justice. When the lawyers were finally lined up the record showed these appearances: J. W. Ashmead, D. A. U. S., G. L. Ashmead and J. R. Ludlow represented the United States: R. J. Brent, Attorney General of Maryland, James Cooper, a Senator of the United States for Pennsylvania, and R. M. Lee, of Philadelphia, appeared as special counsel; Mr. Brent by order of the Governor of Maryland, of which State Mr. Gorsuch was a citizen; Mr. Cooper and Lee also private counsel of Mr. Gorsuch's relatives: For the prisoner, J. J. Lewis, of West Chester, Th. Stevens, of Lancaster, John M. Read, T. A. Cuyler and W. A. Jackson, of Philadelphia.

David Paul Brown also sat at the prisoners' counsel table; he appeared for Joseph Scarlet, whose case, with that of others, depended on the result of Hanway's trial.

Most of these names will be remembered by the general reader as already eminent or soon to so become. The Ashmeads were notably able lawyers; Mr. Brent had high professional position; James Cooper was then United States Senator, from Pennsylvania; Ludlow later became a member of the Philadelphia judiciary; Lewis of West Chester and Ste-

vens of Lancaster were leaders of their respective county bars. John M. Read was later to be a member of the Supreme Court of Pennsylvania. Theo. A. Cuyler was long one of the foremost of Philadelphia's lawyers. Mr. Jackson, junior counsel and historian of the defense, died Jan. 10, 1857, aged 29, and after less than six years his promising career ended.

The trial was held in the second story room of old Independence Hall and sentimentalists speculated as to whether the cause of Law or Liberty would prevail in a historic building consecrated to both these vital principles of organized society. It had been refitted for the occasion with new gas fixtures and special ventilating devices. The opening day did not attract the concourse that thronged the chamber and corridors as the trial progressed, but the seating capacity of the room was fully occupied.

Court opened at 11 A.M. Monday, November 24, 1851. Seventy-eight jurors answered; and Judge Grier ordered a call of the defaulters under promise of a $100 fine to those who were in default until next morning. Jurors called and some missing with one accord then began to make excuse. Before the session adjourned eighty-one answered and it appeared that nineteen had been previously excused. Arrangements were made for reporting the proceedings; there was some discussion over the impanelling of the jurors, but nobody was disposed to quash or continue; the prisoner, Castner Hanway, was arraigned and pleaded. The questions to jurors were framed upon the replies to which challenges were to be based, and the first juror, David George, was called on the second day of the trial.

Thence the selection of jurors proceeded until twelve men were secured satisfactory to both sides. This occupied the Court until Wednesday evening. Next day being Thanksgiving the trial was adjourned until Friday morning, the jury selected being accommodated and lodged at the American Hotel, opposite the old State House.

An essential part of this narrative, in its political and popular interest, is the personnel of the entire venire of jurors. It is here given with brief memoranda abstracted from the official report, indicating what disposition was made of each person called. Where there are no comments the juror was not called; and the twelve finally sworn are each marked with a *.

1. Adams, Peter, Farmer, Mohnsville P. O., Berks County.

2. Baldwin, Matthias W., Machinist, 335 Spruce St., Philadelphia. Founder of Baldwin's Locomotive Works. Stood aside.

3. Barclay, Andrew C., Gentleman, 147 Arch St., Philadelphia. Challenged by defendant; had an opinion.

4. Bazley, John T., Gentleman, Doylestown, Bucks County. Challenged by prisoner.

5. Beck, John, Professor, Lititz, Lancaster Co. Principal of famous Boys' School; Excused at Mr. Stevens' instance because "the school could not get on without him;" grandfather of Hon. Jas. M. Beck.

6. Bell, Samuel, Gentleman, Reading, Berks County. Associate (Lay) judge and excused.

7. Brady, Patrick, Merchant, 397 Arch St., Philadelphia. Challenged by prisoner for opinion.

8. Breck, Samuel, Gentleman, Arch St., west of Broad, Philadelphia. Prominent citizen; aged 81 and deaf; Excused.

9. Brinton, Ferree, Merchant, Belmont P. O., Lancaster Co. Later associate judge; father-in-law of Judge Wiltbank, of Philadelphia. Stood aside.

10. Broadhead, Albert G., Farmer, Delaware P. O., Pike Co. Deficient hearing and frequent headaches; Excused.

11. Brown, John A., Merchant, S.E. Cor. 12th and Chestnut Sts., Phila. Challenged by prisoner.

12. Brown, Joseph D., Gentleman, 167 Arch St., Philadelphia.

13. Brush, George G., Merchant, Washington, Lancaster Co. A prominent citizen and Democrat. Challenged by prisoner.

14. Butler, Robert, Clerk, Mauch Chunk, Carbon Co.

15. Cadwalader, George, Gentleman, 299 Chestnut St., Philadelphia. Excused temporarily. Prominent Philadelphia Democrat. Subsequently called and challenged by prisoner.

16. Cameron, Simon, Gentleman, Middletown, Dauphin Co. Ex U. S. Senator. Unwell and temporarily excused.

17. Campbell, Hugh, Merchant, 33 Girard Street, Philadelphia.

18. Clendenin, John, Gentleman, Hoagstown, Cumberland Co. Challenged by defendant.

19. Cockley, David, Machinist, Lancaster City. Challenged by U. S. for opinion.

20. Cook, Jonathan, Gentleman, Allentown, Lehigh Co. Challenged for opinion by defendant.

21. Coolbaugh, Moses W., Farmer, Coolbaugh P. O., Monroe County. Challenged by prisoner.

22. *Connelly, Thomas, Carpenter, Beaver Meadow, Carbon Co. Accepted and sworn (3).

23. Cope, Caleb, Merchant, Walnut & Quince Sts., Philadelphia. Applied for excuse; refused as he was "not over 60." Recalled and not answering, fined. Subsequently remitted on account of ill health.

24. *Cowden, James, Merchant, Columbia, Lancaster Co. Stood aside at first, finally accepted (12).

25. Culbertson, Joseph, Gentleman, Chambersburg, Franklin Co. "Excused for age, hardness of hearing and vertigo."

26. Darby, John, Gentleman, Fayetteville, Franklin Co. Enfeebled; deaf; excused.

27. Davies, Edward, Gentleman, Churchtown, Lancaster Co. Stood aside.

28. Deshong, John O., Gentleman, Chester, Delaware Co. Stood aside.

29. Diller, Solomon, Farmer, New Holland, Lancaster Co. Stood aside.

30. Elder, Joshua, Farmer, Harrisburg, Dauphin Co. Stood aside.

31. Dillinger, Jacob, Gentleman, Allentown, Lehigh Co. Excused because of "kidney trouble." Conspicuous Democrat.

32. *Elliot, Robert, Farmer, Ickesburg, Perry Co. Accepted and sworn (2).

33. Ewing, Robert, Merchant, 446 Walnut St., Philadelphia. Challenged by defendant.

34. *Fenton, Ephraim, Farmer, Upper Dublin P. O., Montgomery Co. Stood aside. Subsequently recalled and accepted (11).

35. Fraley, Frederick, Gentleman, 365 Race St., Philadelphia. President of Schuylkill Navigation Company; Excused temporarily. Conspicuous citizen. Treasurer Centennial Company in 1876.

36. George, David, Gentleman, Blockley, West Phila. P. O., Philadelphia Co. Stood aside. Recalled and challenged by U. S.

37. Gowen, James, Gentleman, Germantown, Philadelphia Co. Father of P. & R. President F. B. Gowen. Challenged by prisoner. Democrat.

38. Grosh, Jacob, Gentleman, Marietta, Lancaster Co. Political friend of Stevens. Associate (lay) judge, 1842–47. Stood aside.

39. Hammer, Jacob, Merchant, Orwigsburg, Schuylkill Co. Associate (lay) Judge; Excused on account of his wife's illness.

40. Harper, James, Gentleman, Walnut & Schuylkill Fifth Sts., Phila. Challenged by prisoner.

41. Hazard, Erskine, Gentleman, Ninth & Chestnut Sts., Philadelphia. Father-in-law of Samuel Dickson, later one of the leaders of the Philadelphia bar. Challenged by the prisoner. Democrat; merchant; iron master.

42. Hipple, Frederick, Farmer, Bainbridge, Lancaster Co. Stood aside.

43. Hitner, Daniel O., Farmer, Whitemarsh, Montgomery Co. Challenged by prisoner.

44. *Hopkins, James M., Farmer, Bucks P. O., Drumore Twp., Lancaster Co. Ironmaster, Conowingo furnace. Fusion Candidate for Congress against Stevens in 1858. Accepted (7).

45. Horn, John, Gentleman, 16 Broad St., Philadelphia. Biased in favor of defendant and challenged for cause by U. S.

46. Hummel, Valentine, Merchant, Harrisburg, Dauphin Co.

47. Jenks, Michael H., Gentleman, Newton, Bucks Co.

48. *Junkin, John, Farmer, Landisburg, Perry Co. Accepted (8).

49. Keim, William H., Merchant, Reading, Berks Co. Stood aside.

50. Keyser, Elhanan W., Merchant, 144 North Ninth St., Philadelphia.

51. Kichline, Jacob, Farmer, Lower Saucon P. O., Northampton Co. Challenged by prisoner.

52. Kinnard, John H., Farmer, West Whiteland P. O., Chester Co. Stood aside.

53. Krause, John, Clerk, Lebanon, Lebanon Co. Stood aside; had conscientious scruples against death penalty.

54. Kuhn, Hartman, Gentleman, 314 Chestnut St., Philadelphia. Conspicuous citizen; descendant of old Lancaster family; Challenged by U. S. for opinion.

55. Ladley, George, Farmer, Oxford P. O., Chester Co. Stood aside.

56. Leiper, George G., Farmer, Leiperville, Delaware Co. Associate (lay) judge; excused. Prominent Democrat and intimate friend of James Buchanan, to his latest day.

57. Lewis, Lawrence, Gentleman, 345 Chestnut St., Phila-

delphia. President Mutual Insurance Company; very busy. Excused for a fortnight.

58. Luther, Diller, Gentleman, Reading, Berks Co. Challenged by prisoner.

59. Lyons, David, Farmer, Haverford P. O., Delaware Co. Challenged by prisoner.

60. McConkey, James, Merchant, Peachbottom P. O., York Co. Deaf and deputy postmaster; excused. Of old Democratic family.

61. McIlvaine, Abraham R., Farmer, Wallace P. O., Chester County.

62. McKean, Thomas, Gentleman, 356 Spruce St., Philadelphia. Excused on account of illness. Leading citizen and member of distinguished family.

63. Madeira, George A., Gentleman, Chambersburg, Franklin Co. Stood aside.

64. Mark, George, Gentleman, Lebanon, Lebanon Co. Stood aside.

65. *Martin, Peter, Surveyor, Ephrata P. O., Lancaster Co. Anti-Buchanan Democrat; later associate judge and prothonotary; "was under the impression offense might be treason." Accepted (4).

66. Massey, Charles, Merchant, 170 Arch St. Philadelphia. Excused on account of ill health.

67. Mather, Isaac, Farmer, Jenkintown, Montgomery Co. Stood aside.

68. Merkle, Levi, Farmer, Shiremanstown, Cumberland Co. Stood aside.

69. Michler, Peter S., Merchant, Easton, Northampton Co.

70. Miller, John, Gentleman, Reading, Berks Co. Challenged by the prisoner. Excused.

71. Moore, Marmaduke, Merchant, 153 North Thirteenth St., Philadelphia. A prominent Democrat. Challenged by prisoner.

72. Morton, Sketchley, Farmer, Gibbon's Tavern P. O., Delaware Co. Stood aside.

73. Myers, Isaac, Merchant, Port Carbon, Schuylkill Co.

74. Neff, John R., Merchant, 124 Spruce St., Philadelphia. Excused for absence from the State.

75. Newcomer, Martin, Innkeeper, Chambersburg, Franklin Co. Challenged by U. S. for opinion.

76. *Newman, Solomon, Smith, Milford, Pike Co. First juror drawn. Stood aside. Subsequently accepted (9).

77. Palmer, Strange N., Editor, Pottsville, Schuylkill Co. Stood aside.

78. Patterson, Robert, Merchant, S. W. cor. Thirteenth and Locust Sts. Had decided opinions. Challenged by prisoner.

79. Penny, James, Farmer, Liberty Square P. O., Drumore Twp., Lancaster County. Stood aside. Neighbor to Quaker Abolitionists.

80. Platt, William, Merchant, 343 Chestnut St. Philadelphia. Excused because of ill health.

81. Preston, Paul S., Merchant, Stockport, Wayne Co. Stood aside.

82. Reynolds, John, Gentleman, Lancaster City. Father of Gen. John F. Reynolds and Admiral Wm. Reynolds and former proprietor of a Democratic newspaper in Lancaster. Examined at length; showed disfavor to defendants and was challenged peremptorily by Stevens.

83. Rich, Josiah, Farmer, Danboro P. O., Bucks Co. Stood aside.

84. Richards, Matthias, Gentleman, Reading, Berks Co. Challenged by prisoner.

85. Richardson, John, Gentleman, Spruce St., west of Broad, Philadelphia. President of Bank of North America. Excused temporarily for bronchial affection.

86. Rogers, Evan, Gentleman, Locust St. and Washington Square. Challenged for cause by defendant.

87. Ross, Hugh, Farmer, Lower Chanceford Co., York Co. Challenged for cause by defendant. Scotch Irish, Presbyterian, Democrat.

88. Rupp, John, Farmer, Mechanicksburg P. O., Hempden Twp., Cumberland Co. Associate judge; excused temporarily. Recalled and challenged by U. S. because he was opposed to death penalty.

89. Rutherford, John B., Farmer, Harrisburg, Dauphin Co. Stood aside.

90. *Saddler, William R., York Sulphur Springs P. O., Adams Co. Accepted (6).

91. Saylor, Charles, Merchant, Saylorsburg, Monroe Co. Postmaster. Excused.

92. Schroeder, John S., Clerk, Reading, Berks Co. Challenged by prisoner.

93. Small, Samuel, Merchant, York, York Co. Prominent citizen and representative of notable family. Stood aside.

94. Smith, George, Farmer, Upper Darby P. O., Delaware Co. Stood aside.

95. Smith, John, Smith, Jenkintown, Montgomery Co. Challenged by defendant; extended discussion; challenge sustained.

96. *Smith, Robert, Gentleman, Gettysburg, Adams Co. Accepted (5).

97. Smyser, Philip, Gentleman, York, York Co. Challenged for cause.

98. Starbird, Franklin, Farmer, Stroudsburg, Monroe Co. Stood aside.

99. Stavely, William, Farmer, Lahasha P. O., Bucks Co. Challenged by prisoner.

100. Stevens, William, Merchant, Whitehallville, Bucks Co. Challenged by prisoner.

101. Stokes, Samuel E., Merchant, 39 Arch St., Philadelphia.

102. Taylor, Caleb N., Farmer, Newportville, Bucks Co.

Suffering from what Judge Grier called "Epidemic of deafness." Excused.

103. Toland, George W., Gentleman, 178 Arch St., Philadelphia.

104. Trexler, Lesher, Gentleman, Allentown, Lehigh Co. Stood aside.

105. Wainwright, Jonathan, Merchant, Beach, below Hanover St., Philadelphia. Stood aside. Subsequently recalled and accepted (10).

106. Walsh, Robert F., Merchant, 5 Girard St., Philadelphia. "Thought the offense treason." Challenged by the Court.

107. Watmough, John G., Gentleman, Germantown, Philadelphia County. "Strongly against the whole business." Challenged by U. S.

108. Watson, William, Farmer, Mechanicsville, Bucks Co. Stood aside.

109. West, David, Farmer, Kimberton, Chester Co. Stood aside.

110. White, Thomas, H., Gentleman, N. W. Cor. Ninth & Spruce Sts., Philadelphia. Challenged for opinion by U. S.

111. Whitehall, James, Gentleman, Lancaster City. Challenged by prisoner.

112. Witman, Andrew K., Farmer, Center Valley P. O., Lehigh Co. From neighborhood of Fries rebellion. Challenged by U. S. for opinion, after long discussion.

113. Williamson, William, Gentleman, West Chester, Chester Co. Challenged by prisoner.

114. *Wilson, James, Gentleman, Fairfield P. O., Adams Co. Accepted and sworn (3). From neighborhood of Stevens' iron works.

115. Vanzant, Franklin, Farmer, Attleboro P. O., Bucks Co. Two children sick. Excused temporarily.

116. Yohe, Samuel, Gentleman, Easton, Northampton Co. Stood aside.

As finally selected the trial jury consisted of the following persons:

1. Robert Elliott, farmer, Ickesburg, Perry County, aged 69.

2. James Wilson, gentleman, Fairfield postoffice, Adams County, aged 73.

3. Thomas Connelly, carpenter, Beaver Meadow, Carbon County, aged 54.

4. Peter Martin, surveyor, Ephrata postoffice, Lancaster County, aged 46.

5. Robert Smith, gentleman, Gettysburg, Adams County, aged 57.

6. William R. Saddler, farmer, York Sulphur Springs postoffice, Adams County, aged 41.

7. James M. Hopkins, farmer, Bucks postoffice, Drumore Township, Lancaster County, aged 50.

8. John Junkin, farmer, Landisburg, Perry County, aged 56.

9. Solomon Newman, smith, Milford, Pike County, aged 48.

10. Jonathan Wainwright, Merchant, Philadelphia, aged 66.

11. Ephraim Fenton, farmer, Upper Dublin postoffice, Montgomery County, aged 52.

12. James Cowden, merchant, Columbia, Lancaster County, aged 36.

Average age of jurors: 53.

In opening for the prosecution District Attorney Ashmead defined the act of treason, as it had been laid down in previous judicial deliverances, and he relied on the proof that there had been an armed and organized resistance to the execution of the laws of Congress, in which the prisoner not only participated, but of which he was a leader. After he had concluded, Z. Collins Lee, of Baltimore, United States District Attorney, appeared also for the prosecution. Wit-

nesses were excluded while other witnesses were testifying. Mr. G. L. Ashmead, who was a cousin of the United States Attorney, conducted the examination of the witnesses. The scene was located; Deputy Kline told his story in detail, substantially as the incident has been related; he insisted that he asked Hanway and Lewis to aid him in enforcing his writs and they refused; Hanway sat on his horse during the affray and Joshua Gorsuch, pretty badly hurt, got behind the horse for protection. Kline was the special target of severe and sarcastic cross-examination by Mr. Stevens, as he was the Atlas of the Government's case. To break him down on the identity of those who were present at the riot, Mr. Stevens insisted on the Court allowing the presence in Court of all the prisoners; and when he accomplished this dramatic purpose he turned Kline over to Mr. Lewis for further and protracted cross-examination on the skirmishing movements of the arresting party before the riot. Mr. Read also took a hand in his cross-examination, which was not concluded until the Saturday of the first week. His last answer at this session was to the effect that he did not see Joseph Scarlet at the "action."

Dr. Pearce testified at some length corroborating Kline; and averring very distinctly that he saw a shot fired from the window of the house at Gorsuch, the elder. He was severely cross-examined by Mr. Stevens, who intimated repeatedly that the witness had charged Kline with cowardice. Dickinson Gorsuch followed him and testified to the main facts. Neither he nor his cousin, Joshua, was subjected to any cross-examination; and both of them were less direct in their accusations against Hanway and Lewis than Kline, at the most declaring that Hanway's arrival seemed to give the colored men inspiration and encouragement. The son established his father's determination not to be driven or intimidated from the premises, and described the killing of him and the wounding of himself. These circumstances,

creditable to the valor of the Gorsuches, did not materially prejudice the case of the defendant on the trial. Dickinson recognized Scarlet as one who at first refused to help him, but subsequently got him water. Nicholas Hutchins was also examined as to the affray and corroborated the other witnesses; likewise Nathan Nelson, the other of the Maryland party. These witnesses were positive in their recognition of Noah Buley and Joshua Hammond, the elder two of the runaways.

The first week of the trial closed with Miller Knott on the stand. He was a citizen of the neighborhood, who was not charged with any complicity, but who had given aid to the wounded. He had seen a man on horseback, in his shirt sleeves — presumably Hanway — riding northward, with a band of negroes following him; and a half score or more attacking Dickinson Gorsuch, while others followed Isaiah Clarkson into the corn field. He saw Gorsuch the father lying alone not yet dead; and Joseph Scarlet, on horseback, at "the mouth of the long lane"; he subsequently returned with the colored men toward Parker's house. From this witness it appeared that it was a mile from Hanway's mill to Parker's house, that Joseph Scarlet would have to travel two miles and his horse was "sweaty," that Elijah Lewis lived from a mile and a half to two miles away. Mr. Knott was not subjected to cross-examination. His son, John, had preceded him to Parker's by ten minutes and saw the riot from a point about thirty yards from the junction of the long lane and the house lane. He saw from fifty to sixty negroes come out from the house, shouting and shooting, disperse up the little lane and run toward the creek. He saw horses hitched on the fence in the long lane; he saw Dickinson Gorsuch bleeding and gave him water. Again the defense desisted from cross-examination of either of the Knotts. Alderman Reigart testified to an exciting conversation between Kline and Hanway and Lewis at Christiana, after their arrest, when Kline had

denounced them savagely and they disclaimed having incited the negroes. It was manifest the defendants would centre their attack upon Kline and Mr. Read brought out the fact that while he wore formidable whiskers and mustaches at the time of the affray, he had since shaved them off. It was shown that though he publicly denounced the prisoners as "white livered scoundrels" who had ordered the blacks to fire, his statements under oath were very much milder.

A long discussion ensued over the admission of Charles Smith's evidence, but he was finally permitted to testify that Samuel Williams — the colored man from Philadelphia who had trailed Kline — had brought and circulated news of the intended raid for the arrest of the Gorsuch runaways. It was disclosed by Dr. Cain's testimony that Washington and Clark, colored witnesses who had escaped from Moyamensing, had been circulating a paper on September 10th, which had the character of a warning to the Maryland refugees. Shortly after the affray Dr. Cain, at his own tenant house, treated two colored men, Henry C. Hopkins and John Long, who had been shot, one in the arm and one in the thigh. Hopkins was the doctor's tenant. John Roberts, a colored witness, who had been detained as such, for more than ten weeks, in Moyamensing, proved that Joseph Scarlet told him "about sun up" that kidnappers were at Parker's, and witness got a loaded gun from Jacob Townsend and went to the scene. Other witnesses of the same kind, and detained the same way, elicited little material matter, as they arrived on the scene after the battle. In support of the Government's theory of a treasonable conspiracy, some evidence was introduced of meetings at West Chester in opposition to the Fugitive Slave Law, but the participation of the accused was not shown.

The scenes attending the trial are described by the newspapers of the day as highly interesting and sometimes sensational. Popular interest grew as it progressed, and it

centered upon the prisoner who was a stranger in Philadelphia. One newspaper account describes Hanway as displaying the greatest self-possession during the selection of jurors. "He is apparently about 35 years of age, tall but spare in form, and inclined to stoop a little. There is a becoming seriousness in his countenance, but nothing like alarm or trepidation is visible. When called upon to look at the juror summoned to try him, he does so with a firm and inquiring look, but never determines upon his admission or rejection until he has consulted his counsel, Thaddeus Stevens, who sits immediately by his side."

Before the defense was formally opened its course and character had been anticipated by the cross-examination of Mr. Stevens; in this quality of a trial lawyer he was an acknowledged master. The opening speech of Mr. Cuyler referred to the division among the counsel for the prosecution; it praised the fairness of Mr. Ashmead, who, it declared, had been remanded to the background, because Maryland distrusted the justice of Pennsylvania. This was an effective appeal to the State pride of the jury. He vigorously assailed Kline, who had been the Government's most zealous witness. He traced the course of Pennsylvania's legislation on slavery and insisted that this Commonwealth was "ever true to her plighted constitutional good faith"; he extolled Hanway's civic virtues, and dwelt with emphasis upon the local agitation over the "lawless and diabolical outrages" of the kidnappers; and finally ridiculed the idea of treason in the allegation that "three harmless, non-resisting Quakers, and eight-and-thirty wretched, miserable, penniless negroes, armed with corn-cutters, clubs, and a few muskets, and headed by a miller, in a felt hat, without a coat, without arms, and mounted on a sorrel nag, levied war against the United States."

When Mr. Stevens began the production of testimony for the defense with offers to prove the recent kidnapping out-

rages in the neighborhood of Gap, the legal storm center of the trial was at hand. The prosecution saw and feared the influence of this line of evidence as keenly as the defense recognized its force and value. Judges Grier and Kane both discerned the vital issue at once and long before the argument concluded, pointed out that as the accusation was treason — a a position founded upon some previous conspiracy—the defense must be allowed the same latitude to disprove intent as had been allowed to the prosecution to establish it. This opened the way for Thomas Pennington to tell the story of what had occurred at the home of his son-in-law, William Marsh Chamberlain, the preceding January — it was the same night, by the way, that "James Ray fell dead as he entered the door of his own house." As has been heretofore related, in the absence at Ray's of the head of the Chamberlain household, the black man in employ was beaten and dragged out and carried off by intruders without legal process and led by local abettors of the capture.

The fact that it was not shown the man taken was a free man, or that he may have been reclaimed by the authority of his owner, made little difference in the popular feeling about the affair or in the effectiveness of the incident for trial purposes. If such ruthlessness might be technically legal it made the slave law none the less odious!

Henry Ray went further than Pennington and identified both Perry Marsh and William Bear as associates of the band who carried off Chamberlain's man; and Mrs. Chamberlain — who saw the incident through a pipe hole from upstairs, where the affrighted family had retreated — and her brother, Miller Pennington, described it in a manner that heightened its effect. With this recital the defense made a distinct advance.

When the next witness, Elijah Lewis, was called, a question was raised as to his competency. Although not himself on trial, he was under indictment for the same offense as

the prisoner. Mr. Brent cited "5th Espinasse," but the Government's objection was not urged with much confidence and was not sustained by the Court. Interest centered in the witness as he was probably the most conspicuous of all the defendants and a recognized leader of local sentiment. He supported the case of the defendants as their counsel had outlined it; and his intelligence, direct manner and forceful expression gave added weight to his testimony. Isaiah Clarkson had summoned him to the scene by the report that Parker's house was surrounded and had been broken into by kidnappers; he started on foot and called Hanway, who was not very well and got his horse; Kline showed them a paper which he assumed was a warrant; the negroes were excited and Hanway begged them not to shoot; witness had turned south toward the wood, Kline following and Hanway to the north when the shooting began. He contradicted Kline's story of him or Hanway expressing defiance of the law and declared Kline was "in the woods" when the firing began; he and Hanway were not arrested; they gave themselves up. Cross-examination strengthened his statement.

Other witnesses testified to Kline's declarations after the event to the effect that he had wanted to withdraw, but was overruled; that Dr. Pearce admitted the Gorsuches were rash and Kline timid, and that he himself owed his life to Hanway's protection.

The defense then opened its batteries against Kline's reputation. Hon. William D. Kelly — later a Common Pleas Judge and long time a leading member of Congress from Philadelphia — headed a long list of witnesses who testified that Kline's reputation was bad and that he was unworthy of belief. There were nearly a score in all and many of them were most emphatic; it was also shown that in some accounts of the affray Kline had denounced "the damned Quaker abolitionists."

To open the way for the recanting witness, Harvey Scott,

to recall his former stories and repudiate their statements, witnesses were called to testify that he was not at the riot at all, but was "buttoned up" in John Carr's garret until daylight and from that time on was at the place, blowing and striking in his employer's blacksmith shop; that when he heard of the affair he congratulated himself with the remark, "I'm a nigger out of that scrape."

Lewis Cooper, who was a son-in-law of Elijah Lewis, had, with Joseph Scarlet's assistance, taken Dickinson Gorsuch to the Pownall house; he had heard Dr. Pearce tell of his uncle's rashness and that one of his own slaves, "a bright yellow negro," shot him; and also that he had been saved by holding on to Hanway's saddle skirt.

Many witnesses were called to prove Hanway's character "as a peaceable, good, loyal and orderly citizen." It was brought out that Hanway, contrary to the general popular impression, was not a member of the Society of Friends. Having been born in Delaware and lived in Chester as well as Lancaster County, and having been at one time absent from the State, the witnesses in his behalf represented different sections of the country.

The rebuttal on the part of the prosecution consisted largely of an attempt to rehabilitate Kline's reputation; a great number of respectable citizens of Philadelphia, who had known him from his youth up, were called to testify that his character was good and that he was entitled to belief. The opening in rebuttal also covered proposed proof of alleged outrages and reprisals by the sympathizers with fugitive slaves, in that armed and organized bands of negroes paraded the streets of Lancaster "on the hunt for slave hunters and avowing the determination, if they caught them, they would kill them"; that in April, 1851, Samuel Worthington, of Maryland, went into the neighborhood of Christiana to reclaim his fugitive slave and was resisted by armed force; that bells were rung and horns blown to arouse the

neighborhood and the master was obliged to flee for his life. It was also promised that Harvey Scott would corroborate his former statement and disprove the alibi that had been made out for him. In the number of witnesses who were called to prove the general character of Kline for truth and veracity, the Government far exceeded his assailants. The proposed testimony as to previous occurrences in the neighborhood, showing popular feeling against the resistance to the reclaiming of fugitive slaves, was ruled out by the Court; the trial judges concurred that if it was any part of the Government's case it should have been offered originally, and Judge Grier jocularly observed, "We may draw a figure from the game of whist — it would be renigging and keeping your trump back to the last trick."

When the recanting witness, Harvey Scott, was called by the Government to prove that the alibi made for him was not correct, and Mr. Ashmead confidently offered him to prove that he was at the riot, Scott startled the prosecution and satisfied the defense by testifying as follows: "I gave my evidence that I was there once. I was frightened at the time I was taken up, and I said I was there, but I was not; I was proved to be there, but I was not there; they took me to Christiana, and I was frightened, and I didn't know what to say, and I said what they told me." He repeated this, whereupon Mr. Ashmead declared that he had been entrapped and asked that Scott might be committed to take his trial for perjury, when the following colloquy occurred:

"Judge Grier. Poor devil, it is not worth while for the United States to do it. Let him go, and if you owe him any thing, pay him, that he may not be tempted to steal.

"Mr. Stevens. The truth is, that he is not right in his mind.

"Mr. J. W. Ashmead. With that explanation I am perfectly willing he should depart."

At the resumption of the trial on the next day there was a good deal of discussion as to what should be done about the variation in the testimony of the witness Scott. The Government had manifestly suffered from his wobbling, and intimated that he had been tampered with; all of which was resented by the defense, who declared that he was only a "poor miserable negro," shallow-minded and uncertain, and that the United States having fed and clothed him for the purpose of the trial, no one representing the defense had had any access to him and the whole effect of his testimony was a matter for the jury. After again calling Dickinson Gorsuch to prove that two of his father's slaves — Noah Buley and Joshua Hammond — were present at the shooting, the testimony closed, and it was agreed there should be not more than three speeches on either side.

The summing up began on Friday, December 5, Mr. Ludlow opening for the prosecution and discussing at length and elaborately the law of the case, and then proceeding to consider the strength of the Government's testimony and the improbabilities of what had been proved on the part of the defense. Being himself a member of the Philadelphia bar, he undertook the defense of Kline, and declared that no man of bad character could have produced in his behalf the array of witnesses whom the Government had called to sustain its deputy marshal. On Saturday morning, December 6, Mr. Lewis, of West Chester, commenced to sum up for the defense. He made an exceptionally able argument both on the facts and the law of the case and reviewed the history of the two leading cases of treason which had occurred in Pennsylvania arising out of the so-called Whiskey Insurrection and the Fries rebellion. He was followed by Attorney General Brent, for the prosecution, and his speech was not concluded when Court adjourned on Saturday afternoon to meet the following Monday. It was at this session of the Court the colored prisoners were brought in clad in the uni-

form dress which had been furnished them by sympathizing friends, and the scene that was presented is thus described by a contemporary newspaper reporter:

"On Saturday morning, December 6, when Mr. Lewis was to speak first for the prisoners and was to be followed by the Attorney General of Maryland there was a great throng present at the trial. The room was overcrowded with women, and Marshal Roberts was greatly embarrassed at his inability to find or to make a place for them. The special attention of the specators was attracted to a row of colored men, seated on the north side of the room. They were cleanly in their appearance, and their heads and faces presented strong presumptive evidence that they had just escaped from the hands of the barber. These were the colored prisoners alleged to have been engaged in the treason at Christiana, and numbered twenty-four. They were all similarly attired wearing around their necks 'red, white and blue scarfs.' Lucretia Mott was at their head. This, we believe, is her first appearance in court since the trials have commenced. Her dignified and benevolent countenance ever attracts attention. Under that calm exterior there glows a fire, kindled by charity, which is as universal as it is ardent and enduring. She sat knitting during the entire session of the court, apparently unconscious of what was going on around her, except when some point in the testimony seemed to bear strongly against the prisoner. Then her eyes were lifted from her work, and sparkled for a moment with admiration; but speedily relapsed into their intelligent, yet quiet and peaceful aspect. One of the colored persons, whose name is Collister Wilson, was too unwell to be brought from prison on Saturday morning. It is but just to say, that these colored men, taken together, will compare in personal appearance with an equal number of the same race taken indiscriminately from any part of the world. The two white men, Lewis and Scarlet, were also brought from prison, but occupied the rear or east end of the court

room. These two appeared to be between thirty and forty years of age, and judging from their garb, do not belong to the Society of Friends, as has been generally supposed. On inquiring how it happened that the colored prisoners were all dressed alike, we were informed that they had been clothed by a committee of ladies belonging to the Abolition Society, who have been very attentive to them since they have been in prison."

Subsequent reports of the trial indicate increased attendance, especially of "ladies dressed in Quaker garb."

Continuing his speech on the following Monday the Attorney General waxed eloquent over the glories of the Union and the perils to national peace that lay in resistance to law and in the refusal of any one section to accord to another its legal rights. He read from Webster's speeches and Washington's farewell address and from Judge Iredell's charge on the trial of the Fries cases. He referred to the presence in Court by Hanway's side of his devoted and affectionate wife, who it seems had sat with him during the trial. While the gallantry of the Maryland lawyer constrained him to express his admiration and respect for "the afflicted lady of this prisoner," he warned the jury against being controlled by "the spell of that female influence which is more potent than the eloquence of counsel," and contrasted the situation of Mrs. Hanway with that of Gorsuch's wife "who, as a widow, is now mourning the loss and lover of her youth and the prop of her declining years." He played upon the color of Scarlet's name; he denounced the coroner's inquest, lauded the chivalrous courage of Edward Gorsuch, pictured with skillful hands the combat at the Parker house and the "diabolical malice" of those who mangled the victim of that occasion after they had killed him. He insisted that both Lewis and Hanway had been guilty of treason and that they had incited the blacks to make armed resistance to the law of the land.

To Mr. Read was assigned the responsible duty of replying immediately to Brent, which he did in a speech occupying nearly three days in the delivery and, as the reporter observes, "marked throughout by eloquence and profound learning, being a thorough and complete dissertation on the law of treason, and which riveted the attention not only of the Court and jury, but of a crowded auditory."

It was expected that Thaddeus Stevens would follow him, and the public interest which attached to his speaking was probably greater than that attending any of the other counsel; but for some reason he declined speaking in the cause, and Mr. Read was followed by Senator Cooper, who represented not only the State of Maryland, but the Gorsuch family. He expounded with the ability of a profound lawyer the constitutional definition of treason and applied it to the facts of the case, which he insisted fully, amply and distinctly proved the overt act of treason. In the cases of contradiction between Lewis and Kline he declared that Kline was supported by the testimony of all the Maryland party, while Lewis stood alone, and Lewis was an interested and therefore discredited witness. His peroration was an earnest plea for the Union and against anything that would affect its stability or endanger its peace. In Websterian strain he closed as follows: "The eyes of the world are upon the constellation in its banner. Its stars are the beacons of liberty. Let us then, for our sakes, and for the sake of liberty in other lands, guard it as the Ark of the Covenant was guarded of old. Let no hand deface it. Let the day never come when it shall be rent in twain; when one cluster of its stars, separated from the other and beaming in different banners, shall be borne over adverse and conflicting hosts; but let it remain as it now is, 'the Flag of the Union,' still waving over the heads of united freemen, obedient to the same laws — laws supported by all, sustained by all, vindicated by all, in every section of the country."

The argument of the case closed with Senator Cooper's speech and he was immediately followed by Justice Grier's charge to the jury. After the judge had made a general exposition of the law, he paid a high tribute to the manner in which the case had been conducted on both sides by counsel. He framed the issues to be determined by the jury as twofold, involving first the question as to whether Hanway participated in the offenses proved to have been committed, and, secondly, if he did so, was his offence treason? In undertaking to vindicate the reputation of the people of Pennsylvania he left no doubt as to his own individual views upon the subject of the anti-slavery agitation then prevailing, and the following extracts from his charge, which were savagely resented at the time of their utterance even by those who were satisfied with his legal conclusion, are reported to have been uttered in a shrill and piping voice, which added to the intensity of their expression:

"With the exception of a few individuals of perverted intellect, some small districts or neighborhoods whose moral atmosphere has been tainted and poisoned, by male and female vagrant lecturers and conventions, no party in politics, no sect of religion, nor any respectable numbers or character can be found within our borders who have viewed with approbation or looked with any other than feelings of abhorrence upon this disgraceful tragedy.

"It is not in this Hall of Independence, that meetings of infuriated fanatics and unprincipled demagogues have been held to counsel a bloody resistance to the laws of the land. It is not in this *city* that conventions are held denouncing the Constitution, the laws, and the Bible. It is not *here* that the pulpit has been desecrated by seditious exhortations, teaching that theft is meritorious, murder excusable and treason a virtue.

"The guilt of this foul murder rests not alone on the deluded individuals who were its immediate perpetrators, but

the blood taints with even deeper dye the skirts of those who promulgated doctrines subversive of all morality and all government."

He practically disposed, however, of the whole case and took its further consideration from the jury by his announced legal conclusion that the offense did not arise to that of treason. His summing up on this branch of the subject practically concluded all of the cases. It was as follows:

"Without desiring to invade the prerogatives of the jury in judging the facts of this case, the Court feel bound to say, that they do not think the transaction with which the prisoner is charged with being connected, rises to the dignity of treason or levying war. Not because the numbers or force was insufficient. But 1st, For want of any proof of previous conspiracy to make a *general and public resistance to any law* of the United States. 2ndly, Because there is no evidence that any person concerned in the transaction knew there were such acts of Congress, as those with which they were charged with conspiring to resist by force and arms, or had any other intention than to protect one another from what they termed kidnappers (by which slang term they probably included not only actual kidnappers, but all masters and owners seeking to recapture their slaves, and the officers and agents assisting therein).

"The testimony of the prosecution shows that notice had been given that certain fugitives were pursued; the riot, insurrection, tumult, or whatever you may call it, was but a sudden 'conclamatio' or running together, to prevent the capture of certain of their friends or companions, or to rescue them if arrested. Previous to this transaction, so far as we are informed, no attempt had been made to arrest fugitives in the neighborhood under the new act of Congress by a public officer. Heretofore arrests had been made by the owner in person, or his agent properly authorized, or by an officer of the law. Individuals without any authority, but

incited by cupidity, and the hope of obtaining the reward offered for the return of a fugitive, had heretofore undertaken to seize them by force and violence, to invade the sanctity of private dwellings at night, and insult the feelings and prejudices of the people. It is not to be wondered at that a people subject to such inroads, should consider odious the perpetrators of such deeds and denominate them kidnappers — and that the subjects of this treatment should have been encouraged in resisting such aggressions, where the rightful claimant could not be distinguished from the odious kidnapper, or the fact be ascertained whether the person seized, deported or stolen in this manner, was a free man or a slave. But the existence of such feelings is no evidence of a determination or conspiracy by the people to publicly resist any legislation of Congress, or levy war against the United States. That in consequence of such excitement, such an outrage should have been committed, is deeply to be deplored. That the persons engaged in it are guilty of aggravated riot and murder cannot be denied. But riot and murder are offences against the State Government. It would be a dangerous precedent for the Court and jury in this case to extend the crime of treason by construction to doubtful cases."

Having thus practically disposed of the case Mr. Justice Grier praised the U. S. Attorney and the counsel for Maryland for their zeal and ability, and intimated that the duty of punishing "the perpetrators of this outrage" might be transferred to the courts of Lancaster County, where the activity and zeal of its law officers gave assurance that their duty would be performed with all fidelity.

After the Judge's charge the jury retired to deliberate at the American House where they were lodged. They returned in fifteen minutes and rendered a verdict of "Not Guilty," which announcement was received by the large audience present "in a becoming manner"; the propriety of

their conduct is ascribed to the fact that the Judge's charge forecast the verdict.

John M. Read afterwards said some of the jurymen informed him they were ready to acquit before the defense opened.

On motion of District Attorney Ashmead, and in consideration of the ordeal through which Castner Hanway had just passed, four other bills against him for misdemeanor were non prossed and he was discharged from custody and from all further prosecution in the Federal Courts. The charge of treason against Elijah Lewis was withdrawn, and he and Samuel Williams were admitted to bail in $2,000 on four other indictments pending against them. Hanway and Lewis were brought to Lancaster on Friday afternoon, December 12th, and held by Associate Judge Vondersmith in $1,000 bail each, "to answer any charge that might be brought against them."

There was a later proceeding in which all the other bills for treason were non prossed; and the proposed transfer of the prisoners to Lancaster County was announced by the District Attorney. Mr. Read brought to the attention of the Court the subject of the United States paying the expenses of the Hanway witnesses; for which there was a precedent in Aaron Burr's case. The subject was fully argued December 19th; and Judge Kane filed an opinion refusing to tax these costs against the Government and dismissing Hanway's petition.

Subsequently a petition to Congress, of which the following is a copy, was circulated and signed by the defendants, but it availed nothing:

"TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

"The Petition of

.Citizens of the State of Penna., respectfully represents; That Whereas in the month of September 1851 a Riot occurred in the vicinity of the residence of your petitioners, generally known as the

'Christiana Riot,' and your petitioners repairing to the scene of disturbance without any evil intentions, but to prevent violence, were arrested by persons acting for the United States, and charged with the highest crimes known to our Laws, and thrown into prison, where they were detained many months and subjected to great expense in making preparations to meet those charges, whereby their estates were wasted, their minds harassed to the verge of insanity, and their health impaired, till premature decrepitude is the consequence, after which they were discharged without a hearing, thereby tacitly admitting the charges were groundless, having incurred an expense of many thousand dollars.

"Your petitioners therefore pray you the honorable representatives of the most magnanimous nation of the earth, to grant us some relief from our embarrassments, and we will ever pray, etc."

Thus ended the Treason Trials of 1851.

CHAPTER XI.

The Later Trials.

Legal Proceedings in Lancaster County — Prisoners Remanded to Local Jurisdiction — President Fillmore's Message — Attorney General Brent's Report — Final Disposition of the Cases in the Lancaster County Court — "Sam" Williams Tried in Philadelphia and Acquitted.

There was, however, a very considerable political and legal aftermath to the proceedings at Philadelphia. The intimation of so eminent an authority as a justice of the Supreme Court of the United States to the effect that some official duty devolved upon the Lancaster County authorities could not be ignored. Accordingly District Attorney John L. Thompson, who was in his day one of the leaders of the Lancaster County Bar, framed bills of indictment to the January Sessions 1852 against many of those who had been arraigned for treason in Philadelphia. On Wednesday, December 31, Marshal Roberts brought to the Lancaster County prison from Philadelphia the following persons: Alson Pernsley, Lewis Gales, Lewis Clarkson, Charles Hunter, Nelson Carter, Thomas Butler, Henry Green, Collister Wilson and George Williams, — all these were on the same evening discharged by the District Attorney, as he deemed the evidence insufficient to warrant their detention.

On the same evening George Williams was arrested as a fugitive slave and taken to Penningtonville, where he took advantage of the sleepiness of his captors and walked off, and "straight was seen no more," to the great chagrin of Henry H. Kline, the officer who made the arrest, and of the owner of the slave, who was asleep on the floor.

Saturday, January 3, 1852, Marshal Roberts brought to

Lancaster as prisoners John Morgan, Jacob Moore, Ezekiel Thompson, Isaiah Clarkson, John Williams, John Jackson, Benjamin Johnson, George. Read, Daniel Causeberry, Benjamin Pendergrass, William Williams, John Holliday, William Brown, Elijah Clark, William Brown, Jr., and Henry Sims, as prisoners, and five colored persons as witnesses. The witnesses were discharged on their recognizance to appear at Court to testify.

Public and political interest in the Riot and the Trials was not allowed to flag from inattention to the issues they involved by those high in authority. From "the seats of the mighty" deliverances were heard against what was interpreted in some quarters as successful offensive resistance to law. In his early message to Congress in December, 1851, President Fillmore had these paragraphs, relating to the events at Christiana.

"It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted and their efforts frustrated and defeated by lawless and violent mobs: that in one case such resistance resulted in the death of an estimable citizen, and in others serious injury ensued to those officers and to individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders so far as they could be identified, and are still pending. I have regarded it as my duty in these cases to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted."

"Some objections have been urged against the details of the act for the return of fugitives from labor, but it is worthy of remark that the main opposition is aimed against the Constitution itself, and proceeds from persons and classes of persons many of whom declare their wish to see that Constitution overturned. They avow their hostility to any law

which shall give full and practical effect to this requirement of the Constitution. Fortunately the number of these persons is comparatively small, and is believed to be daily diminishing; but the issue which they present is one which involves the supremacy and even the existence of the Constitution."

At an anti-slavery meeting, in Philadelphia, held on December 18, 1851, Joshua R. Giddings and Lucretia Mott were speakers. The large audience grew tumultuously enthusiastic over the presentation on the platform of Castner Hanway and Elijah Lewis.

After the trial William H. Seward sent the following Christmas greeting to District Attorney Ashmead, whose son, Henry G. Ashmead, historian of Delaware County and resident of Chester, cherishes the manuscript; Mr. Seward was then in his first term as United States Senator, but had already distinguished himself as an anti-slavery leader:

WASHINGTON December 25, 1857

My Dear Sir,

I thank you for the kind remembrance manifested by you sending me a copy of your opening Argument on the late Trial for Treason. While I cannot but rejoice in the result of that trial as a new assurance of the security of Popular Liberty, I am not unable to appreciate the ability with which you have maintained the untenable position which the Government was made to assume. The argument is highly logical and eloquent, and I cannot better manifest my good wishes for you and for the Country than by expressing a hope that it may be the good fortune of the cause of truth and justice hereafter to enlist you on their side.

I am, my dear Sir,
Very respectfully & truly
Your friend,
WILLIAM H. SEWARD.

John W. Ashmead Esq.,
District Attorney of the United States
Philadelphia.

In his message to the General Assembly of Maryland at the following January Session, Governor Lowe referred at length

to the Gorsuch tragedy. Despite the assurances of the Federal administration through Secretary of State Daniel Webster, that all the energies of the law would be exerted to bring the offenders to justice, Maryland had felt constrained to actively participate in the prosecution. "The blood of a Marylander," he declared, "cried out from the earth; whilst the Genius of the Union called aloud for a vindication of outraged laws." Otherwise "the flame of excitement would spread from the hills of Maryland to the savannahs of the extreme South, until every Southern State would unite in one common feeling of horror and indignation." Senator Cooper had been retained by him; and despite the high ability and signal service of both him and Maryland's Attorney General, there had been a gross miscarriage of justice. With a fervor of rhetoric that was more common then in State papers than it is now, he declared: "Shall domestic feuds destroy our power, when the eyes of all nations are turned to the star of our empire, as the harbinger of their deliverance? Shall Kossuth blast Hungary with the breath of our discord? Shall O'Brien, in his lonely exile, see the hope of Ireland pass down the horizon, with the western sun? May so incalculable a calamity be spared to the nations of the earth. And yet, when American blood is made to flow upon American soil, as a grateful libation to American fanaticism; when whole communities stand listlessly by, and a prostituted press and venal politicians are found, in the open day, to glory in the human sacrifice; when the Law proclaims its own weakness from the Bench, and Treason stalks unpunished, through the halls of justice; the Nations can judge of the probable remoteness of that calamity."

The official report of his Attorney General justified the Governor in becoming somewhat heated over the outcome at Philadelphia. Mr. Brent had suffered not only some personal irritation over his position there, but a keen professional disappointment in his failure to convict. The blame

for this he distributed very generally among the people of the North who sympathized with resistance to the Fugitive Slave Law; the partisan character of the jury panel; the partiality of the daily press reports; the sympathy of the spectators; the treachery of the prison officials; the bribery of Scott, the government's witnesses; and egregious errors of law committed by Judge Grier. Even the amiable Marshal did not escape criticism, as evinced by this paragraph:

"I brought to the attention of the court, the fact stated in the 'Pennsylvania Freeman,' that the Marshal (Mr. Roberts) had actually dined with the prisoners, or some of them, during the trial, on Thanksgiving day, and when I was about to read the article from the paper I was stopped by his Honor, Judge Grier, who in behalf of the Marshal, denied the truth of the statement that he had so dined; but unfortunately for the Judge's interposition, the Marshal immediately afterwards made his own explanation, and admitted that he had not only assisted at the dinner, 'but had set down and partaken sparingly' of the Thanksgiving dinner, with the white prisoners. I cannot but consider such conduct as highly unbecoming that officer from whom, next to the Judge, we had a right to expect impartiality and a due regard for decorum."

It is only fair to all concerned to say that the Attorney General's indignation was not taken very seriously. Attorney Jackson's history of the case corrects some of his exaggerations, and especially points out that all of Mr. Brent's colleagues exculpated Marshal Roberts from any misconduct. Judge Kane's own son, was known to have extended various kindnesses and courtesies to the prisoners.

Mr. Brent's complaint on this score seems almost ridiculous when one reads the full particulars of the affair, as published in the Philadelphia Freeman of December 4, 1851. That newspaper says:

"It affords us great pleasure to state, that the Christiana prisoners were not wholly forgotten on Thursday last in the

distribution of the good things pertaining to Thanksgiving. Thomas L. Kane, Esq. (son of the Judge), sent to the prison for their use six superior turkeys, two of them extra size, together with a pound cake, weighing 16 pounds. The turkeys were cooked with appropriate fixings, by order of Mr. Freed, the Superintendent, in the prison kitchen, by a female prisoner detached for the purpose. The dinner for the white prisoners, Messrs. Hanway, Lewis and Scarlet, was served in appropriate style in the room of Mr. Morrison, one of the keepers. The U. S. Marshal, A. E. Roberts, Esq., several of the keepers and Mr. Hawes, one of the prison officers, dined with the prisoners as their guests. Mayor Gilpin coming in, accepted an invitation to test the quality of the pound cake, Mrs. Martha Hanway who has the honor to be the wife of the 'traitor' of that name, and who has spent most of her time with her husband since his incarceration, served each of the 27 colored 'traitors' with a plate of turkey, potatoes, pound cake, &c., and the supply not being exhausted, all the prisoners on the same corridor were similarly supplied.

"Who will stand best with posterity—the father who prostitutes his powers as a judge to procure the conviction of peaceable citizens as traitors for refusing to aid in the capture of fugitive slaves, or the son who ministered to the wants of those citizens while incarcerated in a loathsome prison? Need we answer the question?"

The Maryland witnesses do not appear to have had as cheery a Thanksgiving as the prisoners. Dickinson Gorsuch's diary had this entry:

"THURSDAY, Nov. 27. "Thanksgiving Day. This has been a great holiday here; there was no court today. We went to Mr. Ashmead's office and stayed awhile. John Bacon went home after the clothes I wore when I was shot."

During their imprisonment the colored people and their families were largely supported by outside friends and sympathizers; and many an item such as this, recorded in the

cash book of B. L. Wood (father of Mrs. David W. Jackson), is set down to the credit of sympathetic friends:

10th mo. 8, 1851. Dr. 1 pair of pants and 1 shirt given to Elijah Clark in Moyamensing; also sent his wife qr. middlings.

In another respect the official complaints of Maryland's Governor and Attorney General against Pennsylvania justice call for correction at even this late day. Both aver that "the murder" of Kennedy, a slave owner, at Carlisle, killed in resistance of the fugitive slave law, went utterly unpunished: The facts are that in that offense the rioters and rescuers were led by John Clellans and he and thirty-six others were indicted. Besides Clellans twelve of the accused were convicted of riot and of riotously rescuing fugitive slaves from the lawful custody of their owners. Judge Hepburn sentenced them to solitary confinement at labor in the Eastern Penitentiary for three years. Charles Gibbons represented them on an appeal to the Supreme Court; and Deputy Attorney General (District Attorney) Bonham for the Commonwealth, argued before that tribunal that Pennsylvania followed the law of England, which upon conviction for riot authorized fine, imprisonment and the pillory, and therefore sentence to the penitentiary was lawful. Justice Burnside delivering the opinion of the Supreme Court, declared "it was an aggravated case of riot"; but that as Pennsylvania had adopted the English common law, the imprisonment must be in the county jail, and the final judgment of the court was that as the prisoners had been confined in the Eastern Penitentiary about three-fourths of a year, "we deem this as severe a punishment as if they had been confined in the county jail, where they legitimately should have been sent, for two years." (Clellans *vs.* Com. 8 Barr. 223.)

Meantime the friends of Hanway, Lewis and others, incensed at the continued prosecutions in Lancaster county, assumed the aggressive.

They procured the indictment to the January Sessions, 1852, No. 38, in Lancaster County, of Deputy Marshal Henry H. Kline, for perjury. It was laid in this indictment that he had sworn falsely at the hearing before Alderman Reigart, wherein he averred that he had shown his warrant to Hanway, asked him and Lewis to spare his men, that they defied the warrant and encouraged the rioters and in various other particulars. Upon this bill of indictment appeared the names of a large number of witnesses, and Kline was held in $1,000 bail before Charles G. Freeman, alderman of Philadelphia, to answer at the Lancaster Court.

It appears from the subsequent history of the case that all parties involved were by this time willing to have "somebody help them to let go"; and accordingly at the January Sessions, Joseph McClure, of Bart township, being foreman of the jury, this bill against Kline for perjury, being No. 38, was ignored, and also the following, indictments all to the same sessions and for Riot: No. 57, William Brown; No. 58, Wm. Williams; No. 59, Henry Green; No. 60, William Brown, Jr.; No. 61, Benjamin Johnson; No. 63, Daniel Caulsberry; No. 64, George Wells; No. 65, George Williams; No. 66, Alson Pernsley; No. 67, Lewis Gales; No. 68, Lewis Clarkson; No. 69, Chas. Hunter; No. 70, Nelson Carter; No. 71, Jacob Woods, a brother of Peter Woods; No. 72, Peter Woods; No. 73, Israel Clarkson; No. 74, John Williams; No. 75, John Jackson; No. 76, Castner Hanway; No. 77, Elijah Lewis; No. 78, John Morgan; No. 81, Benjamin Pendergrass; No. 82, John Halliday; No. 83, Thomas Butler; No. 84, Elijah Clark; No. 85, Collister Wilson.

With this termination of the cases in the local courts all prosecutions were finally ended except that of Samuel Williams, in the United States District Court at Philadelphia. He was there charged with interfering with the execution of warrants for the arrest of Noah Buley and Joshua Hammond, runaway slaves. His case was first called for trial on

January 5, and continued until January 12. Mr. Ashmead and Messrs. Ludlow appeared for the prosecution, and R. P. Kane, W. S. Pierce and David Paul Brown for the defense. The following jury was empanelled to try his case; the last name on the list will be recognized as that of an estimable citizen of Lancaster County:

Pratt Roberts, Chester County; Thomas Vaughan, Philadelphia; Henry McMahen, Philadelphia; Patrick McBride, Philadelphia; Michael Keenan, Philadelphia; Fredk. Boley, Sr., Philadelphia; Joseph Dowden, Chester County; Samuel Culp, Germantown; Minshall Painter, Delaware County; Joseph Thornton, Philadelphia; Francis Parker, Chester County; Peter McConomy, Lancaster.

Kline was the principal witness on this trial, and his testimony was practically a repetition of what he had sworn to in the Hanway case. The trial judge fell ill during the progress of the case and it was continued the third time and resumed on February 2, argued to the jury on February 3, and, on February 4, a verdict of "not guilty" was rendered.

This closes the record of all judicial proceedings arising out of the Christiana Riot.

CHAPTER XII.

Parker's Own Story.

The Leader of the Defenders Tells his Story of what Occurred at "the Riot" — The Author Gives Reasons why He takes the Narrative with Some Allowance — A Valuable Historical Contribution.

I deem it entirely fair and proper at this stage of the narrative to republish entire William Parker's own account of what took place at his house during "the Riot." It is reproduced in the assurance that each reader may — as he, and especially she, will — give it such credibility as the circumstances may command for it. It is fit that it be presented with certain qualifications to the general reader and to the increasing number who may peruse this history in the spirit in which it is written, viz., one of purely historic inquiry.

The *Atlantic Monthly* (Boston), for February, 1866, published the first part of what is entitled "The Freedman's Story," introduced by one who signed himself "E. K.," and said he was asked to revise it for publication "or weave its facts into a story which would show the fitness of the Southern black for the right of suffrage." The editor evades the natural inquiry whether the text is wholly Parker's or partially his own; but it is printed as that of a freedman or ex-slave and as evidence "of the manhood of his race to that impartial grand-jury, the American people."

Of course it cannot be unreservedly accepted for the purpose for which it was offered, that is: to prove the fitness of the Southern freedman for suffrage; for it is not the narrative of a man who was suddenly freed and enfranchised by the circumstances of war, but of one who became a fugitive slave many years earlier and had the advantage of Northern life and Canadian experience in the intervening period.

But it is of very decided value to this attempted impartial and impersonal history, because it purports to tell the story of the Riot as the man most responsible for it and most conspicuous in it saw and heard its incidents; and, because he never had an opportunity to tell it under the restraints of a judicial examination or the obligations of an oath. It must be taken as his voluntary testimony, when he had no hopes of reward or fear of punishment to incite or restrain him.

The earlier part of his life's story has been already abstracted, so far as it has any importance to this history. It leaves no room for doubt that he was a heroic and a desperate man; that he was instigated by ideas of personal liberty for himself and others, without regard to law; and that both offensively and defensively he was "enlisted for the war" to the death against all and every attempt to execute the Fugitive Slave Law.

Whether he is accurate in his statement of what occurred on the day of "the Riot," each reader must determine for himself or herself. For myself, individually, I doubt the literal truth of parts of his narration, while I concede that in the main it is true and it certainly throws more illumination on the actual occurrences than the testimony of any other single witness.

I detect a note of braggadocio through all Parker's narrative, which slightly discounts its truthfulness. His defiance of "all United States"; his admitted attempts to deceive Gorsuch as to the presence of his slaves on the premises; and his avowed purpose to shoot Gorsuch influence my judgment. Such considerations might not have weight with those who believe a man may be a good citizen who violates and defies a bad law. The literary style of "The Freedman's Story" leaves little room for doubt that his manuscript was edited by some one with a purpose other than strictly historical.

On the other hand, no other person was in so favorable a

position as Parker to tell the actual story of the Riot, if he saw fit to do so, and when this version was published Parker had nothing to gain or lose from telling the truth, but the zeal of his editor to exalt "the freedman" may have tinctured the story. That he could remember its details so exactly as to verbally reproduce the many conversations in the *Atlantic* fifteen years later, is more than doubtful — it is impossible; and his pretense to do so discounts the attempt. In many respects the narration accords with the testimony of other eye-witnesses and it is not out of harmony in the main with the evidence produced on the trial. While it ascribes language to Mr. Gorsuch that likely he did not use, and may put into his hands weapons that he did not carry, Parker's story certainly gives the Gorsuches, father and son, due credit for valor; and it makes some of their allies scarcely more timid than the trial disclosed them to have been.

Howbeit, the story told by Parker is an essential part of the history of the case and it is here reprinted out of fairness to all parties so far as it relates to the Riot and events immediately preceding it.

William Parker's Story.

The *Atlantic Monthly* article, Part II, March, 1866, to which attention has been given, presupposes a previous account of Parker's early life, the escape of the Gorsuch slaves, the warrants for their re-capture, the departure of Deputy Marshal Kline to execute them and "Sam Williams's" mission to Lancaster County to warn them and their friends of the impending raid upon them, substantially as they have been told already. Parker then proceeds:

The information brought by Mr. Williams spread through the vicinity like a fire in the prairies; and when I went home from my work in the evening, I found Pinckney (whom I should have said before was my brother-in-law), Abraham Johnson, Samuel Thompson and Joshua Kite at my

house, all of them excited about the rumor. I laughed at them, and said it was all talk. This was the 10th of September, 1851. They stopped for the night with us, and we went to bed as usual. Before daylight, Joshua Kite rose, and started for his home. Directly, he ran back to the house, burst open the door, crying, "O William! kidnappers! kidnappers!"

He said that, when he was just beyond the yard, two men crossed before him, as if to stop him, and others came up on either side. As he said this, they had reached the door. Joshua ran up stairs (we slept up stairs), and they followed him; but I met them at the landing, and asked, "Who are you?"

The leader, Kline, replied, "I am the United States Marshal."

I then told him to take another step and I would break his neck.

He again said, "I am the United States Marshal."

I told him I did not care for him nor the United States. At that he turned and went down stairs.

Pinckney said, as he turned to go down, — "Where is the use in fighting? They will take us."

Kline heard him, and said, "Yes, give up, for we can and will take you anyhow."

I told them all not to be afraid, nor to give up to any slaveholder, but to fight until death.

"Yes," said Kline, "I have heard many a negro talk as big as you, and then have taken him; and I'll take you."

"You have not taken me yet," I replied; "and if you undertake it you will have your name recorded in history for this day's work."

Mr. Gorsuch then spoke, and said, — "Come, Mr. Kline, let's go up stairs and take them. We *can* take them. Come, follow me. I'll go up and get my property. What's in the

way? The law is in my favor, and the people are in my favor."

At that he began to ascend the stair; but I said to him, — "See here, old man, you can come up, but you can't go down again. Once up here, you are mine."

Kline then said — "Stop, Mr. Gorsuch. I will read the warrant, and then, I think, they will give up."

He then read the warrant, and said, — "Now, you see, we are commanded to take you, dead or alive; so you may as well give up at once."

"Go up, Mr. Kline," then said Gorsuch, "you are the Marshal."

Kline started, and when a little way up said, "I am coming."

I said, "Well, come on."

But he was too cowardly to show his face. He went down again and said, — "You had better give up without any more fuss, for we are bound to take you anyhow. I told you before that I was the United States Marshal, yet you will not give up. I'll not trouble the slaves. I will take you and make you pay for all."

"Well," I answered, "take me and make me pay for all. I'll pay for all."

Mr. Gorsuch then said, "You have my property."

To which I replied, — "Go in the room down there, and see if there is anything there belonging to you. There are beds and a bureau, chairs, and other things. Then go out to the barn; there you will find a cow and some hogs. See if any of them are yours."

He said, — "They are not mine; I want my men. They are here, and I am bound to have them."

Thus we parleyed for a time, all because of the pusillanimity of the Marshal, when he, at last, said, — "I am tired waiting on you; I see you are not going to give up. Go to the

barn and fetch some straw," said he to one of his men. "I will set the house on fire, and burn them up."

"Burn us up and welcome," said I. "None but a coward would say the like. You can burn us, but you can't take us; before I give up, you will see my ashes scattered on the earth."

By this time day had begun to dawn; and then my wife came to me and asked if she should blow the horn, to bring friends to our assistance. I assented, and she went to the garret for the purpose. When the horn sounded from the garret window, one of the ruffians asked the others what it meant; and Kline said to me, "What do you mean by blowing that horn?"

I did not answer. It was a custom with us, when a horn was blown at an unusual hour, to proceed to the spot promptly to see what was the matter. Kline ordered his men to shoot any one they saw blowing the horn. There was a peach-tree at that end of the house. Up it two of the men climbed; and when my wife went a second time to the window, they fired as soon as they heard the blast, but missed their aim. My wife then went down on her knees, and, drawing her head and body below the range of the window, the horn resting on the sill, blew blast after blast, while the shots poured thick and fast around her. They must have fired ten or twelve times. The house was of stone, and the windows were deep, which alone preserved her life.

They were evidently disconcerted by the blowing of the horn. Gorsuch said again, "I want my property, and I will have it."

"Old man," said I, "you look as if you belonged to some persuasion."

"Never mind," he answered, "what persuasion I belong to; I want my property."

While I was leaning out of the window, Kline fired a pistol at me, but the shot went too high; the ball broke the glass just above my head. I was talking to Gorsuch at the time.

I seized a gun and aimed it at Gorsuch's breast, for he evidently had instigated Kline to fire; but Pinckney caught my arm and said, "Don't shoot." The gun went off, just grazing Gorsuch's shoulder. Another conversation then ensued between Gorsuch, Kline, and myself, when another one of the party fired at me but missed. Dickinson Gorsuch, I then saw, was preparing to shoot; and I told him if he missed, I would show him where shooting first came from.

I asked them to consider what they would have done, had they been in our position. "I know you want to kill us," I said, "for you have shot at us time and again. We have only fired twice, although we have guns and ammunition, and could kill you all if we would, but we do not want to shed blood."

"If you do not shoot any more," then said Kline, "I will stop my men from firing."

They then ceased for a time. This was about sunrise.

Mr. Gorsuch now said, — "Give up and let me have my property. Hear what the Marshal says; the Marshal is your friend. He advises you to give up without more fuss, for my property I will have."

I denied that I had his property when he replied, "You have my men."

"Am I your man?" I asked.

"No."

I then called Pinckney forward.

"Is that your man?"

"No."

Abraham Johnson I called next, but Gorsuch said he was not his man.

The only plan left was to call both Pinckney and Johnson again; for had I called the others, he would have recognized them, for they were his slaves.

Abraham Johnson said, "Does such a shrivelled up old

slaveholder as you own such a nice, genteel young man as I am?"

At this Gorsuch took offence, and charged me with dictating his language. I then told him there were but five of us, which he denied, and still insisted that I had his property. One of the party then attacked the Abolitionists, affirming that, although they declared there could not be property in man, the Bible was conclusive authority in favor of property in human flesh.

"Yes," said Gorsuch, "does not the Bible say, 'Servants, obey your masters'?"

I said that it did, but the same Bible said, "Give unto your servants that which is just and equal."

At this stage of the proceedings, we went into a mutual Scripture inquiry, and bandied views in the manner of garrulous old wives.

When I spoke of duty to servants, Gorsuch said, "Do you know that?"

"Where," I asked, "do you see it in Scripture that a man should traffic in his brother's blood?"

"Do you call a nigger my brother?" said Gorsuch.

"Yes," said I.

"William," said Samuel Thompson, "he has been a class-leader."

When Gorsuch heard that, he hung his head, but said nothing. We then all joined in singing, —

"Leader, what do you say
About the judgment day?
I will die on the field of battle,
Die on the field of battle,
With glory in my soul."

Then we all began to shout, singing meantime, and shouted for a long while. Gorsuch, who was standing head bowed, said "What are you doing now?"

Samuel Thompson replied, "Preaching a sinner's funeral sermon."

"You had better give up, and come down."

I then said to Gorsuch, — "'If a brother see a sword coming, and he warn not his brother, then the brother's blood is required at his hands; but if the brother see the sword coming, and warn his brother, and his brother flee not, then his brother's blood is required at his own hand.' I see the sword coming, and, old man, I warn you to flee; if you flee not, your blood be upon your own hand."

It was now about seven o'clock.

"You had better give up," said old Mr. Gorsuch, after another while, "and come down, for I have come a long way this morning, and want my breakfast; for my property I will have, or I'll breakfast in hell. I will go up and get it."

He then started up stairs, and came far enough to see us all plainly. We were just about to fire upon him, when Dickinson Gorsuch, who was standing on the old oven, before the door, and could see into the up-stairs room through the window, jumped down and caught his father, saying, — "O father, do come down! do come down! They have guns, swords, and all kinds of weapons! They'll kill you! Do come down!"

The old man turned and left. When down with him, young Gorsuch could scarce draw breath, and the father looked more like a dead than a living man, so frightened were they at their supposed danger. The old man stood some time without saying anything; at last he said, as if soliloquizing, "I want my property, and I will have it."

Kline broke forth, "If you don't give up by fair means, you will have to by foul."

I told him we would not surrender on any conditions.

Young Gorsuch then said, — "Don't ask them to give up, — *make* them do it. We have money, and can call men to take them. What is it that money won't buy?"

Then said Kline, — "I am getting tired waiting on you; I see you are not going to give up."

He then wrote a note and handed it to Joshua Gorsuch, saying at the same time, — "Take it, and bring a hundred men from Lancaster."

As he started, I said, — "See here! When you go to Lancaster, don't bring a hundred men, — bring five hundred. It will take all the men in Lancaster to change our purpose or take us alive."

He stopped to confer with Kline, when Pinckney said, "We had better give up."

"You are getting afraid," said I.

"Yes," said Kline, "give up like men. The rest would give up if it were not for you."

"I am not afraid," said Pinckney; "but where is the sense in fighting against so many men, and only five of us?"

The whites, at this time, were coming from all quarters, and Kline was enrolling them as fast as they came. Their numbers alarmed Pinckney, and I told him to go and sit down; but he said, "No, I will go down stairs."

I told him, if he attempted it, I should be compelled to blow out his brains. "Don't believe that any living man can take you," I said. "Don't give up to any slaveholder."

To Abraham Johnson, who was near me, I then turned. He declared he was not afraid. "I will fight till I die," he said.

At this time, Hannah, Pinckney's wife, had become impatient of our persistent course; and my wife, who brought me her message urging us to surrender, seized a corn-cutter, and declared she would cut off the head of the first one who should attempt to give up.

Another one of Gorsuch's slaves was coming along the high-road at this time, and I beckoned to him to go around. Pinckney saw him, and soon became more inspired. Elijah Lewis, a Quaker, also came along about this time: I beckoned to him, likewise; but he came straight on, and was met by Kline, who ordered him to assist him. Lewis asked for his authority,

and Kline handed him the warrant. While Lewis was reading, Castner Hanway came up, and Lewis handed the warrant to him. Lewis asked Kline what Parker said.

Kline replied, "He won't give up."

Then Lewis and Hanway both said to the Marshal, — "If Parker says they will not give up, you had better let them alone, for he will kill some of you. We are not going to risk our lives"—and they turned to go away.

While they were talking, I came down and stood in the doorway, my men following behind.

Old Mr. Gorsuch said, when I appeared, "They'll come out, and get away!" and he came back to the gate.

I then said to him, — "You said you could and would take us. Now you have the chance."

They were a cowardly-looking set of men.

Mr. Gorsuch said, "You can't come out here."

"Why?" said I. "This is my place. I pay rent for it. I'll let you see if I can't come out."

"I don't care if you do pay rent for it," said he. "If you come out, I will give you the contents of these"—presenting, at the same time, two revolvers, one in each hand.

I said, "Old man, if you don't go away, I will break your neck."

I then walked up to where he stood his arms resting on the gate, trembling as if afflicted with palsy, and laid my hand on his shoulder, saying, "I have seen pistols before to-day." Kline now came running up, and entreated Gorsuch to come away.

"No," said the latter, "I will have my property, or go to hell."

"What do you intend to do?" said Kline to me.

"I intend to fight," said I. "I intend to try your strength."

"If you will withdraw your men," he replied, "I will withdraw mine."

I told him it was too late. "You would not withdraw when you had the chance, — you shall not now."

Kline then went back to Hanway and Lewis. Gorsuch made a signal to his men, and they all fell into line. I followed his example as well as I could; but as we were not more than ten paces apart, it was difficult to do so. At this time we numbered but ten, while there were between thirty and forty of the white men.

While I was talking to Gorsuch, his son said, "Father, will you take all this from a nigger?"

I answered him by saying that I respected old age; but that, if he would repeat that, I should knock his teeth down his throat. At this he fired upon me, and I ran up to him and knocked the pistol out of his hand, when he let the other one fall and ran in the field.

My brother-in-law, who was standing near, then said, "I can stop him"—and with his double-barrel gun he fired.

Young Gorsuch fell, but rose and ran on again. Pinckney fired a second time and again Gorsuch fell, but was soon up again and, running into the cornfield, lay down in the fence corner.

I returned to my men, and found Samuel Thompson talking to old Mr. Gorsuch, his master. They were both angry.

"Old man, you had better go home to Maryland," said Samuel.

"You had better give up, and come home with me," said the old man.

Thompson took Pinckney's gun from him, struck Gorsuch, and brought him to his knees. Gorsuch rose and signalled to his men. Thompson then knocked him down again, and he again rose. At this time all the white men opened fire, and we rushed upon them; when they turned, threw down their guns and ran away. We, being closely engaged, clubbed our rifles. We were too closely pressed to fire, but we found a good deal could be done with empty guns.

Old Mr. Gorsuch was the bravest of his party; he held on to his pistols until the last, while all the others threw away their weapons. I saw as many as three at a time fighting with him. Sometimes he was on his knees, then on his back, and again his feet would be where his head should be. He was a fine soldier and a brave man. Whenever he saw the least opportunity, he would take aim. While in close quarters with the whites, we could load and fire but two or three times. Our guns got bent and out of order. So damaged did they become, that we could shoot with but two or three of them. Samuel Thompson bent his gun on old Mr. Gorsuch so badly, that it was of no use to us.

When the white men ran, they scattered. I ran after Nathan Nelson, but could not catch him. I never saw a man run faster. Returning, I saw Joshua Gorsuch coming, and Pinckney behind him. I reminded him that he would like "to take hold of a nigger." told him that now was his "chance," and struck him a blow on the side of the head, which stopped him. Pinckney came up behind, and gave him a blow which brought him to the ground; as the others passed, they gave him a kick or jumped upon him, until the blood oozed out at his ears.

Nicholas Hutchings and Nathan Nelson of Baltimore County, Maryland, could outrun any men I ever saw. They and Kline were not brave, like the Gorsuches. Could our men have got them, they would have been satisfied.

One of our men ran after Dr. Pierce, as he richly deserved attention; but Pierce caught up with Castner Hanway, who rode between the fugitive and the Doctor, to shield him and some others. Hanway was told to get out of the way, or he would forfeit his life; he went aside quickly, and the man fired at the Marylander, but missed him, — he was too far off. I do not know whether he was wounded or not; but I do know that, if it had not been for Hanway, he would have been killed.

Having driven the slavocrats off in every direction, our party now turned towards their several homes. Some of us, however, went back to my house, where we found several of the neighbors.

The scene at the house beggars description. Old Mr. Gorsuch was lying in the yard in a pool of blood, and confusion reigned both inside and outside of the house.

Levi Pownall said to me, "The weather is so hot and the flies are so bad, will you give me a sheet to put over the corpse?"

In reply, I gave him permission to get anything he needed from the house.

"Dickinson Gorsuch is lying in the fence-corner, and I believe he is dying. Give me something for him to drink," said Pownall, who seemed to be acting the part of the Good Samaritan.

When he returned from ministering to Dickinson, he told me he could not live.

The riot, so called, was now entirely ended. The elder Gorsuch was dead; his son and nephew were both wounded, and I have reason to believe others were, — how many, it would be difficult to say. Of our party, only two were wounded. One received a ball in his hand, near the wrist; but it only entered the skin, and he pushed it out with his thumb. Another received a ball in the fleshy part of his thigh, which had to be extracted; but neither of them were sick or crippled by the wounds. When young Gorsuch fired at me in the early part of the battle, both balls passed through my hat, cutting off my hair close to the skin, but they drew no blood. The marks were not more than an inch apart.

A story was afterwards circulated that Mr. Gorsuch shot his own slave, and in retaliation his slave shot him; but it was without foundation. His slave struck him the first and second blows; then three or four sprang upon him, and, when he became helpless, left him to pursue others. *The women*

put an end to him. His slaves, so far from meeting death at his hands, are all still living.

After the fight, my wife was obliged to secrete herself, leaving the children in care of her mother, and to the charities of our neighbors. I was questioned by my friends as to what I should do, as they were looking for officers to arrest me. I determined not to be taken alive, and told them so; but, thinking advice as to our future course necessary, went to see some old friends and consult about it. Their advice was to leave, as, were we captured and imprisoned, they could not foresee the result. Acting upon this hint, we set out for home, when we met some female friends, who told us that forty or fifty armed men were at my house, looking for me, and that we had better stay away from the place, if we did not want to be taken. Abraham Johnson and Pinckney hereupon halted, to agree upon the best course, while I turned around and went another way.

Before setting out on my long journey northward, I determined to have an interview with my family, if possible, and to that end changed my course. As we went along the road to where I found them, we met men in companies of three and four, who had been drawn together by the excitement. On one occasion, we met ten or twelve together. They all left the road, and climbed over the fences into fields to let us pass; and then after we had passed, turned, and looked after us as far as they could see. Had we been carrying destruction to all human kind, they could not have acted more absurdly. We went to a friend's house and stayed for the rest of the day, and until nine o'clock that night when we set out for Canada.

The great trial now was to leave my wife and family. Uncertain as to the result of the journey, I felt I would rather die than be separated from them. It had to be done, however; and we went forth with heavy hearts, outcasts for the sake of liberty. When we had walked as far as Christi-

ana, we saw a large crowd, late as it was, to some of whom, at least, I must have been known, as we heard distinctly, "A'n't that Parker?"

"Yes," was answered, "that's Parker."

Kline was called for, and he, with some nine or ten more, followed after. We stopped, and then they stopped. One said to his comrades, "Go on, — that's him." And another replied, "You go." So they contended for a time who should come to us. At last they went back. I was sorry to see them go back, for I wanted to meet Kline and end the day's transactions.

We went on unmolested to Penningtonville; and, in consequence of the excitement, thought best to continue on to Parkesburg. Nothing worth mention occurred for a time. We proceeded to Downingtown, and thence six miles beyond, to the house of a friend. We stopped with him on Saturday night, and on the evening of the 14th went fifteen miles farther. Here I learned from a preacher, directly from the city, that the excitement in Philadelphia was too great for us to risk our safety by going there. Another man present advised us to go to Norristown.

At Norristown we rested a day. The friends gave us ten dollars, and sent us in a vehicle to Quakertown. Our driver, being partly intoxicated, set us down at the wrong place, which obliged us to stay out all night. At eleven o'clock the next day we got to Quakertown. We had gone about six miles out of the way, and had to go directly across the country. We rested the 16th, and set out in the evening for Friendsville.

A friend piloted us some distance, and we travelled until we became very tired, when we went to bed under a haystack. On the 17th, we took breakfast at an inn. We passed a small village, and asked a man whom we met with a dearborn, what would be his charge to Windgap. "One dollar and fifty

cents," was the ready answer. So in we got, and rode to that place.

As we wanted to make some inquiries when we struck the north and south road, I went into the post-office, and asked for a letter for John Thomas, which of course I did not get. The postmaster scrutinized us closely, — more so, indeed, than any one had done on the Blue Mountains, — but informed us that Friendsville was between forty and fifty miles away. After going about nine miles, we stopped in the evening of the 18th at an inn, got supper, were politely served, and had an excellent night's rest. On the next day we set out for Tannersville, hiring a conveyance for twenty-two miles of the way. We had no further difficulty on the entire road to Rochester, — more than five hundred miles by the route we travelled.

Some amusing incidents occurred, however, which it may be well to relate in this connection. The next morning, after stopping at the tavern, we took the cars and rode to Homerville, where, after waiting an hour, as our landlord of the night previous had directed us, we took stage. Being the first applicants for tickets, we secured inside seats, and, from the number of us, we took up all of the places inside; but, another traveller coming, I tendered him mine, and rode with the driver. The passenger thanked me; but the driver, a churl, and the most prejudiced person I ever came in contact with, would never wait after a stop until I could get on, but would drive away, and leave me to swing, climb, or cling on to the stage as best I could. Our traveller, at last noticing his behavior, told him promptly not to be so fast, but let all passengers get on, which had the effect to restrain him a little.

At Big Eddy we took the cars. Directly opposite me sat a gentleman, who, on learning that I was for Rochester, said he was going there too, and afterwards proved an agreeable travelling companion.

A newsboy came in with papers, some of which the pas-

sengers bought. Upon opening them, they read of the fight at Christiana.

"O, see here!" said my neighbor; "great excitement at Christiana; a — a statesman killed, and his son and nephew badly wounded."

After reading, the passengers began to exchange opinions on the case. Some said they would like to catch Parker, and get the thousand dollars reward offered by the State; but the man opposite to me said, "Parker must be a powerful man."

I thought to myself, "If you could tell what I can, you could judge about that."

Pinckney and Johnson became alarmed, and wanted to leave the cars at the next stopping-place; but I told them there was no danger. I then asked particularly about Christiana, where it was, on what railroad, and other questions, to all of which I received correct replies. One of the men became so much attached to me, that, when we would go to an eating-saloon, he would pay for both. At Jefferson we thought of leaving the cars, and taking the boat; but they told us to keep on the cars, and we would get to Rochester by nine o'clock the next night.

We left Jefferson about four o'clock in the morning, and arrived at Rochester at nine the same morning. Just before reaching Rochester, when in conversation with my travelling friend, I ventured to ask what would be done with Parker, should he be taken.

"I do not know," he replied; "but the laws of Pennsylvania would not hang him, — they might imprison him. But it would be different, very different, should they get him into Maryland. The people in all the Slave States are so prejudiced against colored people, that they never give them justice. But I don't believe they will get Parker. I think he is in Canada by this time; at least, I hope so, — for I believe he did right and, had I been in his place, I would have done as he did. Any good citizen will say the same. I believe

Parker to be a brave man; and all you colored people should look at it as we white people look at our brave men, and do as we do. You see Parker was not fighting for a country, nor for praise. He was fighting for freedom: he only wanted liberty, as other men do. You colored people should protect him, and remember him as long as you live. We are coming near our parting-place, and I do not know if we shall ever meet again. I shall be in Rochester some two or three days before I return home; and I would like to have your company back."

I told him it would be some time before we returned.

The cars then stopped, when he bade me good by. As strange as it may appear, he did not ask me my name; and I was afraid to inquire his, from fear he would.

On leaving the cars, after walking two or three squares, we overtook a colored man, who conducted us to the house of a friend of mine. He welcomed me at once, as we were acquainted before, took me up stairs to wash and comb, and prepare, as he said, for company.

As I was combing, a lady came up and said, "Which of you is Mr. Parker?"

"I am," said I, — "what there is left of me."

She gave me her hand, and said, "And this is William Parker!"

She appeared to be so excited that she could not say what she wished to. We were told we would not get much rest, and we did not; for visitors were constantly coming. One gentleman was surprised that we got away from the cars, as spies were all about, and there were two thousand dollars reward for the party.

We left at eight o'clock that evening, in a carriage, for the boat, bound for Kingston in Canada. As we went on board, the bell was ringing. After walking about a little, a friend pointed out to me the officers on the "hunt" for us; and just as the boat pushed off from the wharf, some of our

friends on shore called me by name. Our pursuers looked very much like fools, as they were. I told one of the gentlemen on shore to write to Kline that I was in Canada. Ten dollars were generously contributed by the Rochester friends for our expenses; and altogether their kindness was heartfelt, and was most gratefully appreciated by us.

Once on the boat, and fairly out at sea towards the land of liberty, my mind became calm, and my spirits very much depressed at thought of my wife and children. Before, I had little time to think much about them, my mind being on my journey. Now I became silent and abstracted. Although fond of company, no one was company for me now.

We landed at Kingston on the 21st of September, at six o'clock in the morning, and walked around for a long time, without meeting any one we had ever known. At last, however, I saw a colored man I knew in Maryland. He at first pretended to have no knowledge of me, but finally recognized me. I made known our distressed condition when he said he was not going home then, but, if we would have breakfast, he would pay for it. How different the treatment received from this man — himself an exile for the sake of liberty, and in its full enjoyment on free soil — and the self-sacrificing spirit of our Rochester colored brother, who made haste to welcome us to his ample home, — the well-earned reward of his faithful labors!

On Monday evening, the 23d, we started for Toronto, where we arrived safely the next day. Directly after landing, we heard that Governor Johnston, of Pennsylvania, had made a demand on the Governor of Canada for me, under the Extradition Treaty. Pinckney and Johnson advised me to go to the country, and remain where I should not be known; but I refused. I intended to see what they would do with me. Going at once to the Government House, I entered the first office I came to. The official requested me to be seated. The following is the substance of the conversation between us,

as near as I can remember. I told him I had heard that Governor Johnston, of Pennsylvania, had requested his government to send me back. At this he came forward, held forth his hand, and said, "Is this Wililam Parker?"

I took his hand, and assured him I was the man. When he started to come, I thought he was intending to seize me, and I prepared myself to knock him down. His genial sympathetic manner it was that convinced me he meant well.

He made me sit down, and said — "Yes, they want you back again. Will you go?"

"I will not be taken back alive," said I. "I ran away from my master to be free, — I have run from the United States to be free. I am now going to stop running."

"Are you a fugitive from labor?" he asked.

I told him I was.

"Why," he answered, "they say you are a fugitive from justice." He then asked me where my master lived.

I told him, "In Anne Arundel County, Maryland."

"Is there such a county in Maryland?" he asked.

"There is," I answered.

He took down a map, examined it, and said, "You are right."

I then told him the name of the farm, and my master's name. Further questions bearing upon the country towns near, the nearest river, etc., followed, all of which I answered to his satisfaction.

"How does it happen," he then asked, "that you lived in Pennsylvania so long, and no person knew you were a fugitive from labor?"

"I do not get other people to keep my secrets, sir," I replied. "My brother and family only knew that I had been a slave."

He then assured me that I would not, in his opinion, have to go back. Many coming in at this time on business, I was told to call again at three o'clock, which I did. The person

in the office, a clerk, told me to take no further trouble about it, until that day four weeks. "But you are as free a man as I am," said he. When I told the news to Pinckney and Johnson, they were greatly relieved in mind.

I ate breakfast with the greatest relish, got a letter written to a friend in Chester County for my wife, and set about arrangements to settle at or near Toronto.

We tried hard to get work, but the task was difficult. I think three weeks elapsed before we got work that could be called work. Sometimes we would secure a small job, worth two or three shillings, and sometimes a smaller one, worth not more than one shilling; and these not oftener than once or twice in a week. We became greatly discouraged; and, to add to my misery, I was constantly hearing some alarming report about my wife and children. Sometimes they had carried her back into slavery, — sometimes the children, and sometimes the entire party. Then there would come a contradiction. I was soon so completely worn down by my fears for them, that I thought my heart would break. To add to my disquietude, no answer came to my letters, although I went to the office regularly every day. At last I got a letter with the glad news that my wife and children were safe, and would be sent to Canada. I told the person reading for me to stop, and tell them to send her "right now," — I could not wait to hear the rest of the letter.

Two months from the day I landed in Toronto, my wife arrived, but without the children. She had had a very bad time. Twice they had her in custody; and, a third time, her young master came after her, which obliged her to flee before day, so that the children had to remain behind for the time. I was so glad to see her that I forgot about the children.

The day my wife came, I had nothing but the clothes on my back, and was in debt for my board, without any work to depend upon. My situation was truly distressing. I took

the resolution, and went to a store where I made known my circumstances to the proprietor, offering to work for him to pay for some necessaries. He readily consented, and I supplied myself with bedding, meal and flour. As I had selected a place before, we went that evening about two miles into the country, and settled ourselves for the winter.

When in Kingston, I had heard of the Buxton settlement, and of the Revds. Dr. Willis and Mr. King, the agents. My informant, after stating all the particulars, induced me to think it was a desirable place; and having quite a little sum of money due to me in the States, I wrote for it, and waited until May. It not being sent, I called upon Dr. Willis, who treated me kindly. I proposed to settle in Elgin, if he would loan means for the first instalment. He said he would see about it, and I should call again. On my second visit, he agreed to assist me, and proposed that I should get another man to go on a lot with me.

Abraham Johnson and I arranged to settle together, and, with Dr. Willis's letter to Mr. King on our behalf, I embarked with my family on a schooner for the West. After five days' sailing, we reached Windsor. Not having the means to take us to Chatham, I called upon Henry Bibb, and laid my case before him. He took us in, treated us with great politeness, and afterwards took me with him to Detroit, where, after an introduction to some friends, a purse of five dollars was made up. I divided the money among my companions, and started them for Chatham, but was obliged to stay at Windsor and Detroit two days longer.

While stopping at Windsor, I went again to Detroit, with two or three friends, when, at one of the steamboats just landed, some officers arrested three fugitives, on pretence of being horse thieves. I was satisfied they were slaves, and said so, when Henry Bibb went to the telegraph office and learned through a message that they were. In the crowd and excitement, the sheriff threatened to imprison me for

my interference. I felt indignant, and told him to do so, whereupon he opened the door. About this time there was more excitement, and then a man slipped into the jail, unseen by the officers, opened the gate, and the three prisoners went out, and made their escape to Windsor. I stopped through that night in Detroit, and started the next day for Chatham, where I found my family snugly provided for at a boarding-house kept by Mr. Younge.

Chatham was a thriving town at that time, and the genuine liberty enjoyed by its numerous colored residents pleased me greatly; but our destination was Buxton, and thither we went on the following day. We arrived there in the evening, and I called immediately upon Mr. King, and presented Dr. Willis's letter. He received me very politely, and said that, after I should feel rested, I could go out and select a lot. He also kindly offered to give me meal and pork for my family, until I could get work.

In due time, Johnson and I each chose a fifty-acre lot for although when in Toronto we agreed with Dr. Willis to take one lot between us, when we saw the land we thought we could pay for two lots. I got the money in a little time, and paid the Doctor back. I built a house, and we moved into it that same fall, and in it I live yet. (1866.)

When I first settled in Buxton, the white settlers in the vicinity were much opposed to colored people. Their prejudices were very strong; but the spread of intelligence and religion in the community has wrought a great change in them. Prejudice is fast being uprooted; indeed, they do not appear like the same people that they were. In a short time I hope the foul spirit will depart entirely.

I have now to bring my narrative to a close; and in so doing I would return thanks to Almighty God for the many mercies and favors he has bestowed upon me, and especially for delivering me out of the hands of slaveholders, and placing me in a land of liberty, where I can worship God under

my own vine and fig-tree, with none to molest or make me afraid. I am also particularly thankful to my old friends and neighbors in Lancaster County, Pennsylvania, — to the friends in Norristown, Quakertown, Rochester, and Detroit, and to Dr. Willis of Toronto, for their disinterested benevolence and kindness to me and my family. When hunted, they sheltered me; when hungry and naked, they clothed and fed me; and when a stranger in a strange land, they aided and encouraged me. May the Lord in his great mercy remember and bless them, as they remembered and blessed me.

CHAPTER XIII.

After the War.

Peter Woods the Sole Survivor — Castner Hanway's Later Days — The Descendants and Relatives of the Principal Actors in the Drama — Concluding Reflections on the Affair.

The sole survivor of those who were directly involved in the events that have been narrated is Peter Woods, a very respectable colored man, who does not know his own age, but who likely is an octogenarian and was twenty years old when the riot occurred. He lives on his little farm of fifty-eight acres, in Colerain Township, just south of Bartville, with his good wife, and the youngest of his thirteen living children, the family being much esteemed by those who know its members. He was a soldier in the Union Army, having served nearly three years in the Third Regiment, Colored U. S. Infantry. During the war he met Alex. Pinckney, at Charleston, S. C., who was also a soldier in one of the Northern regiments. Recently his pension was increased through the influence of Congressman W. W. Griest, of the Lancaster district — who is a son of Major Ellwood Griest, author of the vigorous Bart resolutions of 1850. In the absence of precise proof that Peter Woods was above seventy-five years of age, the United States Government assumed that it would not have indicted a boy of fifteen for treason.

The descendants of Edward Gorsuch maintain the high social station of their family in Maryland. They were Methodists in religion and Whigs in politics, and are now Republicans; during the civil war they zealously supported the Union cause.

Edward Gorsuch's immediate descendants are Mrs. W. W. Campbell and children, of Orwig's Mills, Md.; Mrs. T. B.

Todd, Jr., of Fort Howard, Md., who is a daughter of Alex. Morrison; Mrs. E. D. Duncan, of Govans, Md.; Mrs. Fannie Thomas, Wilmer Black and Anna Black, the last four being children of Melinda Gorsuch, intermarried with Robert Black; and Mrs. R. F. Mitchell, wife of Dr. F. G. Mitchell, of Glencoe, Md. (who was the daughter of Dickinson Gorsuch), her son and two daughters, the youngest of whom, as an infant, appears in the arms of "Mammy" Kelly, one of the illustrations of this volume.

Joseph Scarlet died July 8, 1882; his descendants are as follows:

I. Children — Joseph Scarlett, 5313 Master Street, Philadelphia; Annie V. Scarlett, Mary E. Scarlett, 1413 Peach Street, Philadelphia; William Scarlett, 5444 Girard Avenue, Philadelphia; Mrs. Ella A. Jackson, 304 North Franklin Street, West Chester, Pa.

II. Grandchildren — J. Ralph Scarlett, Inda Scarlett Conrow, Elsie J. Scarlett, Edwin W. Scarlett, Anne Scarlett Custer, Dr. Charles J. Morell, Florence M. Christ, T. Harold Jackson, William Scarlett, Leslie Scarlett, Richard Scarlett.

III. Great-grandchildren — Lavinia Scarlett, Helen Scarlett, John S. Custer, Charles J. Morell, Jr.

Elijah Lewis died Oct. 18, 1884, aged 86; his descendants are as follows:

I. Children — Mrs. Martha A. Cooper, Palmyra, N. J.

II. Grandchildren — Samuel Brinton, farmer, West Chester, Pa., R. F. D.; Henry Brinton, 2408 Bryn Mawr Avenue, West Philadelphia; Edwin Brinton, 5584 Hunter Avenue, West Philadelphia; Mrs. Emma B. Maule, R. F. D., Cochranville, Pa.; Alfred Brinton, Christiana, Pa.; Mrs. Clara B. Maule, Gum Tree, Chester County, Pa.; Harry P. Cooper, 14 Ruby Street, Lancaster, Pa.; Mrs. D. W. Miller, Linfield, Montgomery County, Pa.; Mrs. Anna Cooper, Santa Barbara, California; Mrs. George Paschall, Jr., Port Kennedy, Pa., and Miss Mary Cooper, 2408 Bryn Mawr Avenue, West Philadelphia, Pa. (W. L. Cooper, superintendent of the

Bedford division P. R. R., who recently met tragic death by drowning in the Susquehanna river, was a grandson.)

III. Great Grandchildren — Roy Cooper, Fairmount, W. Va.; Herbert Cooper, Parkesburg, Pa.; Helen Cooper, Santa Barbara, Cal.; Clement S. Brinton, 213 Euclid Avenue, Haddonfield, N. J.; Francis D. Brinton, West Chester, Pa.; Willard C. Brinton, 70 West 46th Street, New York; Ellen S. Brinton, R. F. D., West Chester, Pa.; Robert F. Brinton, R. F. D., West Chester, Pa.; Wilfred Cooper, Bedford, Pa.; C. Burleigh Cooper, Christiana, Pa.; Harry Brinton, 2408 Bryn Mawr Avenue, Philadelphia, Pa.; Lewis Brinton, Octoraro, Lancaster Co., Pa.; Thomas Brinton, minister, Octoraro, Pa.; Mrs. Jesse Webster, Mrs. John Doehter, Christiana, Pa., and Evan J. Lewis, George School, Bucks Co., Pa.

Castner Hanway suffered most in expense and anxiety from the trial. He resided for years after it ended in Chester and Lancaster Counties, but in 1878 removed to Wilber, Nebraska. His first wife, Martha, daughter of Jesse and Letitia Lamborn, who was with him during his trial, died August 20, 1855. Later he married Hannah, daughter of Moses and Mary Pennock, who died January 1, 1864. Later he married a Miss Johnston, a relative of Governor Johnston, who was the Chief Executive of Pennsylvania in 1851. She is still living. Castner Hanway himself died May 26, 1893; his remains were brought East and buried in the cemetery at the famous Longwood meeting house of the Progressive Friends, in Chester County, made memorable by anti-slavery meetings addressed by Whittier, Lucretia Mott and others eminent in literature; and in which quiet graveyard are the chaste tombs of Bayard Taylor, poet, novelist, traveler, journalist and diplomat, and of his brother, Colonel Frank Taylor, one of the heroes and martyrs of Gettysburg.

The Longwood Yearly Meeting soon after Hanway's death adopted a memorial prepared by Patience W. Kent, which said of him:

"One week ago the earthly form of Castner Hanway was

laid in yonder cemetery. A quiet, unobtrusive man, he gave no token that his name was one to conjure newspaper notoriety, or stir the wrathful vengeance of the baffled slave power, as it did at one time. Yet in him, was the stuff of which heroes are made. 'He stood by his colors' when that was all he could do." During the ninety-seven days that he was in prison he never once complained. He wrote to his wife from there, 'I do not regret my course; I have simply done my duty.' With a nature capable of asserting such a beautiful sentiment in the face of so great mental and financial agony, surely the reward in the Eternal Kingdom would be: 'Well done, thou good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things; enter thou into the joys of thy Lord.'"

Hanway left no descendants. His collateral relatives, so far as known, were:

Jackson Hanway, deceased, a brother, whose children are: Ida Hanway Whiteside, Christiana, Pa.; Ella Hanway Skelton, 1725 Lindenwood Street, Philadelphia; Wilmer Everett Hanway, 1716 North 55th Street, Philadelphia.

John Hanway, deceased, a brother, leaving a son, Joseph Hanway, Hamorton, Chester County, Pa.

Ellis Hanway, deceased, a brother, whose children are: Mrs. Louisa Booth, Gap, Lancaster County, Pa., and William Hanway, 1038 Lowell Street, New York City, N. Y.

Washington Hanway, deceased, a brother, leaving one child, Mrs. Clara Hanway Pierce, 317 South Queen Street, York, Pa.

Phoebe H. Gray, deceased, a sister, whose son is Albert Gray.

Hannah Ellis H. Fairlamb, deceased, a sister, who left children: Elizabeth Barnes, West Chester, Pa.; and Robert Fairlamb.

Rebecca H. McDade, deceased, a sister, late of Norristown, Pa.

"After Life's fitful fever" they who fought and suffered and died all "sleep well." "There is no work, nor device, nor knowledge, nor wisdom in the grave." While governments shall endure and organized society of human order shall continue, the ceaseless contest will go on between Law and Liberty. As the temperaments of men vary they will differ as to which side of that struggle they should or will espouse; and Human Wisdom will forever be insufficient to avert occasional conflict. From it, however, will emerge Peace; and as the parties to the struggle and their children's children look back upon the contention that once raged, they will come more and more clearly to see that it was inevitable; and they will look with kindlier judgment upon the motives which inspired antagonistic forces. They will also see in the outcome and settlement a Final Cause, shaping events and determining results, one that could not be recognized in the smoke and dust of the immediate battle; but which the clear, cold light of History makes visible to all who would see the Truth. In his matchless lyric of the Civil War, the most sublime note that has been sounded from all the literature inspired by that great National Crisis, Will M. Thompson, in his "High Tide at Gettysburg," attains this lofty strain:

But who shall break the guards that wait
Before the awful face of fate?
  The tattered standards of the South
  Were shriveled at the cannon's mouth,
And all her hopes were desolate.

In vain the Tennessean set
His breast against the bayonet;
  In vain Virginia charged and raged,
  A tigress in her wrath uncaged,
Till all the hill was red and wet!

Above the bayonets mixed and crossed
Men saw a gray, gigantic ghost
  Receding through the battle cloud,
  And heard across the tempest loud
The death cry of a nation lost!

The brave went down! Without disgrace
They leaped to ruin's red embrace;
  They only heard fame's thunder wake,
  And saw the dazzling sunburst break
In smiles on Glory's bloody face!

They fell who lifted up a hand!
And bade the sun in heaven to stand;
  They smote and fell who set the bars
  Against the progress of the stars,
And stayed the march of Motherland!

They stood who saw the future come
On through the fight's delirium;
  They smote and stood who held the hope
  Of nations on that slippery slope,
Amid the cheers of Christendom!

God lives! He forged the iron will,
That clutched and held that trembling hill!
  God lives and reigns! He built and lent
  The heights for Freedom's battlement,
Where floats her flag in triumph still!

Fold up the banners! Smelt the guns!
Love rules. Her gentler purpose runs,
  A mighty mother turns in tears
  The pages of her battle years,
Lamenting all her fallen sons!

ADDENDA.

Note A.

On page 14 it is stated that there was little fellowship between the negro and the Pennsylvania-German elements of our local citizenship. I believe this is a continuing condition. It is not inconsistent with the historical fact that the Mennonites of Germantown were the first American Abolitionists; and that their deliverance of February 18, 1868, antedated like action by the Friends. Professor Wilkinson in his so-called "Vindication of Daniel Webster," recently published, is authority for the statement that Charles Sumner's social aversion to the colored race was as pronounced as his political sympathy with it.

Note B.

On page 27 it is stated upon information that William Parker was a soldier in the war for the Union. I have not been able to absolutely verify this statement. It is therefore qualified.

Note C.

On page 59 it is noticed that the venire issued to the marshal commanding him to return 108 jurors for the term of the treason trial included a provision that twelve were to be summoned and returned from Lancaster County. This was in conformity with the Act of September 24, 1789, known as the Federal Judicial Procedure Act, to the effect that "in cases punishable with death, the trial shall be had in the county where the offense was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence."

In a recent notable address before the American Bar Association at Boston on August 30, 1911, Ex-Justice of the United States Supreme Court Henry R. Brown called attention to the fact that the provision of this act which required the trial for a capital offense to be held in the county where it occurred had never been observed. It seems to have escaped his notice that the statutory direction as to the venue was not unqualifiedly imperative and that this act had been the subject of repeated judicial construction, *e. g.*, in the following cases:

"The Circuit Courts are bound to try all crimes committed within the district, but not to try them in the County where committed; that is a matter of which they must judge in the exercise of their discretion." U. S. *v.* Wilson, Bald. 117; U. S. *v.* Cornell 2 Mason 95–8; U. S. *v.* Insurgents (Fries), 3 Dall. (Pa.) 513. In U. S. *v.* Cornell the Court

holds that the third Section of the Act of March, 1793, Chapter 22, operates as a material modification of the Act of 1789 and leaves the place of the trial in the district to the sound discretion of the judge. The Act of 1793, Chapter 22, directs that special sessions for the trial of criminal cases shall be held at any convenient place within the district nearer to the place where the offenses may be said to be committed, than the place appointed by the law for ordinary sessions.

Note D.

I have adopted the spelling of Sims's and Scarlet's name with a single terminal letter instead of the local and family usage—Simms and Scarlett—because they were thus formally indicted.

Note E.

The best information I have as to the date of William Parker's revisit to Christiana is that it was during the presidential campaign of 1872. Peter Woods says he took back with him to Canada the widow of Henry Sims—one of the defendants in the treason case; presumably he was then a widower and Mrs. Sims became his second wife.

Note F.

On pages 6 and 12 I have recalled the indisputable fact that Abraham Lincoln and his party distinctly recognized the legal obligation of the Fugitive Slave Law even after the war had begun. Striking confirmation of what heedless readers may be disposed to doubt is found in General William T. Sherman's "Causes of the War," cited in the *Atlantic Monthly*, for September, 1911, where Sherman says: "Mr. Lincoln after election and installation, asserted repeatedly that slavery was safe in his hands, that he was sworn to enforce even the Fugitive Slave Law and soon Congress declared it had no intention to interfere with slavery in the States."

Note G.

A second and revised edition of this History, substantially bound and more copiously illustrated, will be put to press shortly. The author will appreciate the correction of any errors observed in this edition—hurriedly put to press—as well as any additions to its statements of facts. Communications to this effect or orders for copies of the revised edition may be sent to Box 34, Lancaster, Pa.

IN PRISON FOR TREASON.

[One of the finest stanzas in American poetry was inspired by the imprisonment of Hanway and others for treason. While they were in Moyamensing, John G. Whittier wrote and published his "Lines" to them. Horace E. Scudder, in his excellent and complete "Cambridge edition" of Whittier, classes the following with three other poems, "called out by the popular movement of Free State men to occupy the territory of Kansas." In this he is mistaken. This poem, now entitled "For Righteousness' Sake," was originally "inscribed to Friends under arrest for treason against the slave power," and was directed especially to Hanway, Lewis and Scarlet. The concluding stanza is deeply imbedded in popular appreciation of the best in our national literature.]

The age is dull and mean. Men creep,
  Not walk; with blood too pale and tame
  To pay the debt they owe to shame;
Buy cheap, sell dear; eat, drink, and sleep
  Down-pillowed, deaf to moaning want;
Pay tithes for soul-insurance; keep
  Six days to Mammon, one to Cant.

In such a time, give thanks to God,
  That somewhat of the holy rage
  With which the prophets in their age
On all its decent seemings trod,
  Has set your feet upon the lie,
That man and ox and soul and clod
  Are market stock to sell and buy!

The hot words from your lips, my own,
  To caution trained, might not repeat;
  But if some tares among the wheat
Of generous thought and deed were sown,
  No common wrong provoked your zeal;
The silken gauntlet that is thrown
  In such a quarrel rings like steel.

The brave old strife the fathers saw
  For Freedom calls for men again
  Like those who battled not in vain
For England's Charter, Alfred's law;

And right of speech and trial just
Wage in your name their ancient war
With venal courts and perjured trust.

God's ways seem dark, but soon or late,
They touch the shining hills of day;
The evil cannot brook delay,
The good can well afford to wait.
Give ermined knaves their hour of crime;
Ye have the future grand and great,
The safe appeal of Truth to Time!

[The End]

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